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THE  
Life and Death of the Irish Parliament :  
A LECTURE  
BY  
THE RIGHT HON. JAMES WHITESIDE,  
Q.C. LL.D. M.P.  
DELIVERED BEFORE THE  
DUBLIN YOUNG MEN'S CHRISTIAN ASSOCIATION  
IN CONNEXION WITH THE  
UNITED CHURCH OF ENGLAND AND IRELAND,  
IN  
THE METROPOLITAN HALL, JANUARY the 19th, 1863.  
SIR THOMAS STAPLES, BART.,  
IN THE CHAIR.

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PART I.

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# THE LIFE AND DEATH OF THE IRISH PARLIAMENT.

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## CHAPTER I.

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ORIGIN and Progress of the Parliament of Ireland—The Public Buildings of Dublin—Rev. James Whitelaw and the Historians of City of Dublin—Popular View of the alleged Conquest of Henry II. not correct—Antiquity and Fame of Dublin—Amusing Portrait of Henry by Giraldus Cambrensis—Object of Kings of England, from the first, to establish one Law, one State, one Church—“Modus Tenendi Parliamentum” not enforced in Ireland for 140 years.

MR. CHAIRMAN,

It affords me no common satisfaction to address you, Sir, in that chair, not only on the score of respect for your character and from private friendship, but because you prove in your own person what a happy life that of a Member of the Old Irish Parliament must have been. Wit, humour, eloquence, administered at suitable times and at reasonable intervals, operate as medicine for the mind; the consequent exhilaration of the spirits acts on the bodily health, and secures longevity and vigour. The “*mens conscia recti*” may be the true cause of the enviable condition of our Chairman—

M367497

who is a living representative of the Parliament of Ireland, and a pure specimen of her ancient gentry.

I may well be apprehensive in endeavouring to describe what he has witnessed—my words may sound feebly in his ear, accustomed to the thrilling eloquence of the famous orators of our country ; but his kindly nature will overlook my deficiencies ; and my inadequacy to the task I have undertaken will be regarded by a generous audience with indulgence. To repeat my congratulations to the promoters of this Association, or to the Parochial Clergy by whom it is mainly worked, for the success they have obtained, would be needless ; one and all of us can only hope and pray that this Society may prosper, and prove a blessing to our city.

The occupations of life engross so much of our time that we rarely can abstract our attention from passing events—revert to the past—compare our present with our former condition, and consider what we have gained or what we have lost as a nation.

That we should read the histories of other countries, and know little of our own, would seem to be censurable, though not surprising ; but the duty of investigating the constitution and proceedings of the Parliament, by which we were so long governed, would appear to be plain ; and it might not be uninteresting to ascertain *when* and by *whom* the Irish Parliament was planted—*how* it grew—*when* it died.

It is, moreover, by comprehending what kind of Parliament our forefathers obtained and enjoyed, that we can appreciate our gain or loss by the incorporation of the Irish with an Imperial Legislature.

The ancient Romans conquered what in their time was called the World ; the victorious legions, encamped on the banks of the Euphrates and the Rhine, preserving their discipline and their manners in the midst of various nations.

The Patrician Senate ruled with wisdom, as provinces of the Empire, what are now splendid kingdoms. How did "the Commonwealth of Kings" govern? By incorporating in their Empire the countries they subdued; by imparting their laws and customs to the people they vanquished; and by converting discontented enemies into cordial friends and fellow-citizens. I ought to add, they not only established their laws in the new country, but also their national sports and amusements.

Thus, as we roam over Europe, we discover memorials of the Roman people. We may read their policy in the fragment of the arch, in the broken column, the ruined aqueduct, or in the scattered remains of the amphitheatre or the circus. At Nismes we may even now behold a model of the once mighty Rome; and we can comprehend the wise and sagacious policy which multiplied and ramified, while it secured and perpetuated, Roman civilization, authority, and power.

In our old law books it is prophesied that the *Saxon* race are destined to overspread and christianize the earth; and, in partial fulfilment of the prophecy, we behold, in distant regions, fresh settlements growing into kingdoms, and spreading our laws, our language, our liberties, and our religion. How are these mighty results obtained? In the same way as in the ancient Roman Empire—by freely imparting to the new country all the freedom possessed by the old, and thus consolidating an union of hearts and affections.

We can, therefore, easily apprehend the principle of policy upon which England would be likely to have acted had she conquered Ireland—namely, that of attaching the Irish people to the English rulers, by establishing a community of laws, and by bestowing upon the new acquisition all the rights and liberties enjoyed by the older country. But, of

all the rights possessed by Englishmen, that of Parliamentary representation is the most precious. Therefore, it would be natural to suppose they would not churlishly withhold from our forefathers that which they themselves so highly prized.

Thus are we prepared for the fact that Ireland possessed a Parliament ; and as we walk the streets of our beautiful city, our senses teach us this was a capital and seat of the Parliament of a Kingdom.

The history of the city wherein we live is read even less than the history of our country ; yet the stones we tread might suggest reflections ; the public buildings we behold might stimulate inquiry, and occupy or agitate busy thoughts.

We are not destitute of materials for this pleasing study. The History of Dublin has been admirably written by the late Rev. James Whitelaw, rector of St. Catherine's, one of the best parish ministers who ever laboured in this city. His name is to be mentioned by me with reverence, for he was the intimate friend of my father (also a minister of the Church), and, with pious friendship, inscribed the epitaph which marks his tomb. Whitelaw's character was apostolical ; his labours were as incessant as his benevolence was boundless. Death overtook him while engaged in his Master's work ; his spirit fled to a kindred home. His example was a rich legacy to the Church which he adorned and served.

Whitelaw's History was left somewhat unfinished, but has been completed ; and in its pages, as well as in the History of Dublin by Gilbert, and in the biography of the architect Gandon, by Mulvany, you may read the account of the erection of our celebrated public edifices—some of them designed by native talent—all of them executed through the liberality and by the superintending taste of our native Parliament. The study ought to teach you not to decry the labours, or to depreciate the genius of your countrymen.

When you have studied the style and proportions of that beautiful edifice, the Custom House ; when you have critically examined the interior and exterior of the Exchange ; when you have leisurely scanned the Temple of Justice, surmounted by a dome flung into the air ; when you have visited all the public buildings which adorn our city ; when you gaze with admiration on the palaces erected by our nobles, now changed into offices or board-rooms ; when you have visited the last of these (I allude to Charlemont House), which still continues in the possession of an Irish nobleman, who, except our Chairman, is the only surviving member of the Irish Parliament ;—then you may stand before the majestic building wherein the Parliament of Ireland was wont to sit. You may, perhaps, entertain yourselves with the narrative of its original design and happy completion ; you may, with a critical eye, discern, as you stand before the splendid portico which faces and frowns upon the statue of Moore, the mixtures of styles—the rich Corinthian added to the more simple Ionic. But, whether you gaze upon the noble structure when gilded by the rays of a summer sun, or when the trembling moonbeam has shed a softer light over its fine proportions—when criticism has been exhausted, unfeigned admiration of the stately edifice succeeds. The vast and grand proportions of the entire building fill the mind with delight, and you conclude your survey by commending the skill, the taste, the genius, the liberality which combined to produce so magnificent a result. While we pause to admire the building, we may exclaim—Could these walls speak, what might we not expect to hear ? But—the passions, the hatreds, the ambitions, the sallies of wit, the flashes of humour, the flights of eloquence, the eager conflict of intellects contending for fame and power, the fervid orators, the sagacious statesmen—slumber in the dust.

Within those walls, the voice of eloquence is hushed for ever.

We are assembled to inquire *when* the Parliament was born, *how* it lived, when and from what *causes* it died.

According to our theory, we should only inquire when it was that the Saxons invaded, or conquered, or settled in Ireland, and then conclude we had found the date of the birth of our Parliament. But even here a question might be made; for whereas it is commonly believed that the English came over in the reign of Henry II., yet we have the great authority of Lord Coke (I mean Coke upon Littleton), in the case of Calvin, in the 7th Part of his Reports, and in the preface to the 4th Part, that Ireland was in part subject to the crown of England long before the reign of Henry. He writes:—"Next followeth Ireland, which originally came to the king of England by conquest; but who was the first conqueror thereof, hath been a question. I have seen a charter, an excellent record, worthy to be made known to all, made by King Edgar, king of England in the tenth century, in these words:—"Altitonantis Dei largifluâ clementiâ, qui est Rex regum et Dominus dominantium—I, Edgar, king of England, give thanks to the omnipotent God, my King, who hath enlarged and exalted my empire over the kingdom of my fathers."

He then specifies the various additions to his territories, adding: "Maximamque partem Hiberniæ, cum suâ nobilissimâ civitate de Dublinâ." Wherefore, concludes the king, "I am devoutly disposed to exalt the glory of Christ in my kingdom, and to extend his worship and praise." So did the good kings of England express themselves in the olden time; and thus we learn that, centuries before the Conquest, or rather the visit of Henry, a great part of Ireland had been annexed to England, and with it the most famous City of Dublin. In



the old charter we have good testimony to the antiquity and fame of our metropolis.

It may be strongly argued that Henry's use of the title of 'Conqueror' was a palpable misnomer, on the ground that conquest means the acquisition of a kingdom by force of arms, to which force likewise has been opposed. Whereas Henry's invasion was only a polite visit—no violence used; all being conducted with the utmost tranquillity and courtesy. Or, to use the words of Molyneux in his celebrated pamphlet of the "Case of Ireland Stated," there was "an entire and voluntary submission of all the ecclesiastical and civil states of Ireland to King Henry II., without the least hostile strike on any side; we hear not in any of the chronicles of any violence on either part; all was transacted with the greatest quiet, tranquillity, and freedom imaginable. . . . England may be said much more properly to have been conquered by William I. than Ireland by Henry II. . . . Henry received not the least opposition in Ireland; all came in peaceably, and had large concessions made them of the like laws and liberties with the people of England, which they gladly accepted."

It may be well to give a portrait of King Henry II. (as painted by Giraldus Cambrensis), he being the person to whom we are chiefly indebted for our parliamentary and political, if not our physical constitution:—"Henry II., King of England, was of a very good colour, but somewhat red; his head great and round; his eyes were fiery, red, and grim, and his face very high-coloured; his voice or speech was shaking, quivering, or trembling; his neck short, his breast broad and big; strong-armed; his body was gross, and his belly somewhat big, which came to him rather by nature than by any gross feeding or surfeiting, for his diet was very temperate, and to say the truth, thought to

be more spare than comely, or for the state of a prince; and yet, to abate his grossness, and to remedy this fault of nature, he did, as it were, punish his body with continual exercise, and did, as it were, keep a continual war with himself. . . . In the evening, when he came home, he would never, or very seldom, sit either before or after supper, for though he were never so weary, yet still would he be walking and going. If he were in a good mood, and not angry, then would he be very pleasant and eloquent. He was also (which was a thing very rare in those days) very well learned; he was also very affable, gentle, and courteous; besides, so pitiful, that when he had overcome his enemy, yet would he be overcome with pity towards him."

If Henry II. could be considered a conqueror, he was a very courteous one, for he gave the Irish chieftains the title of kings; and this still continued to be used by his successors so late as eighty years afterwards, if not later. The following expressions are to be found in a letter sent by Henry III. to one of these Irish chieftains—"The King to King Thomond, greeting."

Henry II. remained five months, and departed, highly pleased with Ireland, as her chiefs appeared to be with him, although I have little doubt they were glad to get rid of their kingly guest. He settled his English followers and subjects in districts along the eastern coast, and in Dublin, and adjoining counties, afterwards called the *English Pale*.

It seems a well authenticated fact, that Henry II., before he quitted Ireland, in a Council held at Lismore, did cause the Irish to receive and swear to be governed by the laws of England; and in ecclesiastical matters, a General Council of the Clergy was held in Cashel, wherein the King rectified many abuses in the Church, and established sundry ecclesiastical laws agreeable to those in the Church of Eng-

land—labouring by all means to reduce the state of that Church to the form of the English, to which the Irish clergy promised conformity.

Thus, from the very beginning, was it the object and aim of the English sovereigns, and of the wisest of their counsellors, that between England and Ireland there should be but one Law, one State, one Church. The Church of Ireland, thus referred to, was an ancient and a free Church, and held its synods, of which the records remain. Lord Coke expressly states, in his chapter on Ireland, in the Fourth Institute, that at a synod “holden in Ireland by St. Patrick, their Apostle, it was unanimously agreed that Irish priests should have wives.” Thus we are assured by the practice of the ancient Church in Ireland, as by the practice of St. Peter, and perhaps of St. Patrick, that the Scripture was not contradicted by the ancient Catholic Church in Ireland, and that the clergy were, and wisely, married men.

Ireland, if she was fitted to enjoy them, had now received certain of the fundamental laws of England as they existed at that time. But the point of our inquiry is, *when* did she get the right of holding Parliaments, and *when*, in fact, was a Parliament held; for we must have regard to the birth, as well as to the life and death, of our Senate.

It is to be observed, that after John succeeded to the crown of England, having been for thirty-three years Lord of Ireland (and which he would have continued to be had not his elder brother died), and when he met the Barons of England to grant *Magna Charta*, it would appear that the Church of England and Ireland was united; for it is expressly stated in the text of the famous Charter, that it was granted by the advice of “Stephen, Archbishop of Canterbury; Henry, Archbishop of Dublin.” What brought the Archbishop of Dublin to Runnymede if it were not that he was a dignitary

of the National Church? Why did he otherwise advise the granting of the great Charter by King John?

The register of the birth is imperfect. The probability is, that the right of holding a Parliament was granted to Ireland at an early period; and accordingly, we find Lord Coke expressly declares the *modus tenendi Parliamentum* (that is, a writ expounding the method of holding a Parliament) was imported to Ireland in the time of Henry II. In the Fourth Institutes, page 12, title "The High Court of Parliament," we read:—"After King Henry II. had conquered Ireland, he fitted and transcribed this *modus* into Ireland in a parchment roll, for the holding of Parliaments there; which, no doubt, Henry II. did by advice of his Judges, being a matter of so great weight. This *modus* in the parchment roll, transcribed as aforesaid by Henry II., remained in Ireland; and in anno 6 Henry IV., was in the custody of Sir Christopher Preston, knight, a man of great wisdom and learning; which roll, King Henry IV., in the same year, 'De assensu Johannes Talbot, Chivalier, his Lieutenant there, and of his Council of Ireland,' exemplified, for the better holding of the Parliaments there; and in the exemplification it expressly appeareth that Henry II. did transcribe this *modus*, as is aforesaid."

Other writers of deep learning deny this assertion, disputing with Lord Coke the authenticity of the *modus*, or that a Parliament could be held in a country where the land was not divided into counties, where there were no towns, no burgage tenure, no sheriffs, and, I may add, few freeholders. The lawyers thus disputing, the Church, curiously enough, comes to our rescue; and the fact that this ancient *modus* was dispatched into Ireland was established, and its authenticity (said to be) demonstrated, in a publication by Dr. Dopping, a learned Bishop of Meath, who wrote a preface to

prove it to be the very record referred to by Lord Coke. The Bishop prints the entire of the *modus* in the original Latin, and explains how he found the legal curiosity amongst the papers of Sir W. Domville, his uncle, Attorney-General in former times.

But, assuming with Coke, and Molyneux, and the learned Bishop, that Ireland obtained the right, *where* or *when* did she first exercise that right?

The English Pale originally extended over a territory twenty miles square. For this fact we have the authority of an Act of Parliament so late as 13th Henry VIII., cap. 3; and the proof in these words—"There are only four shires where the king's laws are occupied in this land, namely, Dublin, Kildare, Meath, and Uriel or Lowth." And even if we could include the other eight counties named by Leland, yet, as there were few towns, and no burgage tenure in Ireland, a Parliament, if summoned from these districts, would not have approached in dignity and importance the Dublin Corporation.

The next inquiry would be, *Where* did the Irish Parliament, be it small or great, sit in these early times? To which I reply—For a period of forty years, Nowhere. There is no trace of any such phenomenon appearing in the political firmament for nigh a century and a half; and if a gentleman was chosen to take his seat in the Irish Senate once in a hundred and fifty years, I can only say his parliamentary labours must have been light.

We may next inquire, How did our forefathers get on in those days with so few laws and so few lawyers? To which very proper question I can only reply—As well as they could. They were not oppressed by the multiplicity and complexity of their laws. The Irish chieftains had no laws which they obeyed, save their own free will; and for the

English settlers, it was better to have a few good laws than many bad ones.

The patient ability of Mr. Morrin, in his interesting preface to the Calendar of the Patent and Close Rolls of Chancery in Ireland, from the 18th to the 45th of Queen Elizabeth, points out the as yet unexplored sources whence much additional light might be cast on the Irish Parliaments of the Pale. The fact I believe to be, as Sir John Davis states in his historical tract upon the Causes why no permanent impression was produced in Ireland by the invasion of Henry II., that King Henry, although possessed of abilities, had not time to accomplish his great undertaking. Sir J. Davis says :—" But let us see the success of King Henry II. Doubtless his expedition was such as he might have said, with Cæsar, *Veni, vidi, vici* ; for upon his first arrival, his very presence, without drawing his sword, prevailed so much, as all the petty kings or great lords, within Leinster, Connaught, and Munster, submitted themselves unto him, promised to pay him tribute, and acknowledged him their sovereign lord." And so well pleased was he with this title of the lordship of Ireland, ' That he placed it, in his royal style, before the duchies of Normandy and Aquitaine ; and so, being advertised of some stirs raised by his unnatural sons in England, within five months after his first arrival he departed out of Ireland, without striking one blow, or building one castle, or planting one garrison among the Irish.' And this is that conquest of King Henry II., so much spoken of by so many writers, which, though it was in no other manner than before expressed, yet is the 'entire conquest of Ireland attributed unto him.' "

This criticism reduces our ideas of the grandeur of the conquest of Ireland to a low estimate. The Norman king bestowed upon Ireland the common law of England. The

great charter of King John was in the most formal manner confirmed to Ireland, by our Magna Charta, in the time of King Henry III. A king's letter accompanied this charter to Ireland, a copy of which is still preserved in the Record Office of the Tower of London. It runs thus:—

*“The King to the Archbishops, Bishops, Abbots, Earls, Barons, Knights, and to all his faithful subjects throughout Ireland, Greeting:—*

“Commending your faith in the Lord, which ye have always shown unto the lord our father, and are this day exhibiting unto us and ours, we will give, in token of your fidelity, so manifest and so famous, to our kingdom of Ireland, the liberties of our kingdom of England, granted by our father and ourself out of our grace, that you and your heirs may perpetually rejoice: which liberties, distinctly reduced to writing by the Common Council of all our realm, we send to you, our faithful subjects.

“‘Nullus liber homo capiatur, vel imprisonetur, aut dissaisiatur, aut utla getur, aut exuleter, aut aliquo modo destruetur, nec super eum ibimus, nec super eum mittemus, nisi per legale iudicium parium suorum, vel per legem terræ.’

“‘No freeman shall be seized, or imprisoned, or outlawed, or banished, or in any way destroyed; nor will we condemn him, nor will we imprison him, excepting by the legal judgment of his peers, or by the laws of the land.’”

Thus we have proof conclusive of the spirit of liberty which breathed through the laws of England—personal freedom was secured—arbitrary punishments prevented—public tribunals of justice and trial by jury were established, in conformity with a well-known and even then ancient common law.

As we had no Parliament for one hundred and forty years

in Ireland, in what manner were our forefathers governed? That may be answered by a sentence from the famous speech of Sir John Davis, Speaker in the Parliament of Ireland, in the reign of James I. (p. 292):—"And as there is now but one common law, so for the space of one hundred and forty years after King Henry II. had taken possession of the lordship of Ireland, *there was but one Parliament for both kingdoms.* But the laws made in the Parliaments of England were, from time to time, transmitted hither under the great seal of that kingdom, to be proclaimed, enrolled, and executed as laws of this realm."

We see this opinion practically shown to be correct by Lord Coke in his chapter on Ireland, in the Fourth Institutes, where he states, p. 350—"Sometimes the king of England called his nobles of Ireland to come to his Parliament of England, and by special words the Parliament of England may bind the subjects of Ireland;" and then, with characteristic precision, sets out the entry on the Parliament roll, reciting the writ in form by which the Irish nobles were summoned to Westminster:—"10 Octobris.—Rex affectans pacificum statum terræ Hiberniæ, mandavit Ricardo de Burgo, Com. Ulton., et aliis Nobilibus terræ prædictæ, quod sint ad Parlamentum suum quod summoneri fecit apud Westm<sup>m</sup> in Octobris Hillarii prox., ad tractand. ibid. cum Proceribus, &c., regni sui *super statu terræ prædictæ.*"

This is exceedingly curious; for it shows how well our forefathers understood that legislation should depend on representation, and that if England made laws for Ireland, it should be with her assent; and, above all, it proves that for a considerable period at the beginning of their connexion, the two kingdoms were practically ruled by one and the same Parliament.

These unquestionable facts tend to disturb the theory of



parliamentary representation in Ireland from the beginning, and to prove that we began with Union—securing identity of laws by identity of legislation in a single Parliament, in which Ireland was represented. And further, that when we got the local Parliament, we verged towards separation, from which we were preserved by the enactment of a stringent law in the reign of Henry VII., hereafter to be noticed.

The first Parliament held in Ireland was in the ninth year of the reign of Edward II., summoned in consequence of the invasion of Edward Bruce, and in order to redress the grievances under which the people laboured as tenants and vassals. Five Acts of Parliament appear in the record of this session, three of which relate to provisions against those exactions, and two to the establishment of proper remedies in the king's courts of law. Sir John Davis states that Parliaments were held in the succeeding reign, and probably in those of Richard II., and of Henry IV. and V.; yet there are no laws cited by him, nor do we find any Acts of Parliament passed in those sessions upon the statute book printed in 1762 under the authority of the Lord Chancellor and Judges; before which time the Irish statutes were collected, as the statutes have been in England, by private lawyers, the first Irish collection being made in 1621, by Sir Richard Bolton, afterwards Lord Chancellor. From the reign of Edward II. till the reign of Henry VI., there are no Acts of Parliament recorded in the statute-book. But it appears from those books that Parliaments were held in the seventh, eighth, tenth, and twenty-fifth years of his reign, under three different chief governors; and from the twenty-eighth year of his reign they were summoned almost every year under the Duke of York, who was for ten years, and more, Lord Lieutenant; and eight Parliaments were summoned during the reign of Edward IV., which would be nearly one for every second

year during that period. Of the Acts which passed during these last periods, that law which enjoins the residence of the clergy under the penalty of forfeiture of their benefices for a year's absence, and takes away the benefit of the king's license, and an Act which prohibits appeals to England, seem to be the most remarkable. And this, it is to be supposed, gave rise to that famous law of Sir Edward Poynings, in the tenth year of King Henry VII., and to which we must pay particular attention.

That able sovereign, Henry VII., despatched to Ireland, as his deputy, Sir E. Poynings, a vigorous and efficient Lieutenant who proceeded to fix the parliamentary constitution in the manner we shall now explain. The 10th of Henry VII. is to be noted as a constitutional epoch in the history of Ireland. And here we ought to pause to review the former history of our Parliament ; to estimate and ascertain what were to be the powers of that Parliament in future. We may observe, that the first Acts in the English language were passed in this Parliament, and amongst them the celebrated law, 10 Henry VII.—“Whereby it is enacted that all statutes *late* made within the realm of England, concerning or belonging to the common or public weal of the same, from henceforth be deemed good and effectual in the law, and over that be accepted, used, and executed within the land of *Ireland*, in all points, at all times requisite according to the tenor of the same. And if any statute or statutes have been made within the said land heretofore to the contrary, that they and every of them be made void and of none effect in the law.”

Now it will be observed that by this comprehensive and summary enactment, all the general fundamental laws previously in existence in England, and which had been obtained in that country at such cost and difficulty, were transferred, without argument or opposition, exactly as they

stood, into Ireland. This great provision identified our laws as to the past ; so that the inquiry of the historian, the antiquary, or the lawyer, thereafter to ascertain what up to this period had been the statute law of Ireland, must be directed simply to find out what was the statute law of England. This is described by Lord Coke as “a right profitable Act of Parliament ;” and the Deputy, Sir Edward Poynings, is described by Sir John Davis as having shown a large heart and a great desire for a general reformation in Ireland, by summoning and holding this famous Parliament. If we might venture at this distance of time to criticise the conduct of a great statesman and of a wise sovereign, it may appear to us surprising that they did not perfect their work, by adding to the union of laws a union of Parliament and a union of States. But, singular enough, while they secured identity of laws for the past, they provided a means, by the maintenance of separate Parliaments, for a divergence in legislation in future. However, they appeared themselves conscious of their inconsistency ; and endeavoured to guard against the consequences, by subjugating the Parliament of Ireland to the authority of the Government in England, and by enacting, that “no Parliament be holden hereafter in the said land, but at such season as the King’s Lieutenant and Counsaile there first do certifie the King, under the Great Seale of that land, the causes and consideration, *and all such acts as there seemeth should pass in the same Parliament ;* and such causes, considerations, and acts affirmed by the King and his Counsaile to be good and expedient for that land, and his license thereupon, as well in affirmation of the said causes and acts, as to summon the said Parliament *under his Great Seale of England* had and obtained ; *that done,* a Parliament to be had and holden after the form and effect afore rehearsed : and if any Parliament be holden in that land hereafter, con-

trary to the form and provision aforesaid, it be deemed void and of none effect in law." The effect of this clause was to place a bridle in the mouth of the Irish Parliament, and subjugate alike the Lord Deputy, the nobles, and the commoners to the will of the King's Council in Dublin and in London.

We ought also to remember, that England claimed and exercised the right of binding Ireland, by an Act of Parliament passed in England, whenever Ireland should be specifically named in such an Act. By a consideration of the above arrangements, we can form a judgment upon the degree of independence and authority in the Irish Parliament from the time of Henry VII. No Parliament could be called in Ireland until the very measures to be introduced were first approved in England; and if Ireland was named in an English statute, she was to be bound, although her Parliament was silent upon the subject matter of the English law.

The study of the statute-law is neglected, because it is regarded as uninteresting and repulsive; and yet, if we reflect for a moment, we would perceive that the study of the social state of a country ought to be as interesting as the study of its political state, its wars and conquests. A law passed in a free state must be the expression of the feelings, prejudices, passions, knowledge of the people at the time of its enactment. It would require a great fund of knowledge and of critical observation to note the statute-book from age to age, and present to the minds of the present generation a picture of the social state of generations long passed away, which led to the particular law under inquiry. This has been done partially by one writer, named Barrington, whose work, entitled "Observations on the Ancient Statutes from Magna Charta to James I.," is full of entertainment and instruction. For example: his commentary upon an English

statute framed in the reign of Edward I. (A.D. 1288), called "*Ordinatio pro Statu Hiberniæ*," proves that the king of England could at that time introduce by his sole authority an *English law* into *Ireland*—that the kings of England *did so* is certain; and he (Barrington) argues that that authority could not be lessened by the concurrence of his two Houses of Parliament. Thus, during the one hundred and forty years that no Parliament sat in Ireland, a law passed in England would be simply proclaimed in Ireland. He also quotes an order of Charles I., in the third year of his reign, to the Treasurers and Chancellors of the Exchequer, both of England and Ireland, by which they are directed to increase the duties upon Irish exports, which shows that it was then imagined that the king could tax Ireland, as a colony, by his prerogative, without the intervention of Parliament—a *very dangerous prerogative*.

Barrington, in his *Observations on the Habits and Customs of our Ancient Irish Kings*, refers to one Dr. Bastide, "in his youth a retainer of an Earl of Ormond, who, by a fall from his horse, on an attack of the wild Irish, was taken prisoner by them, and who continued seven years in captivity, and married a daughter of one of their chieftains. By this means he spoke the Irish as fluently as he did English, and was pitched upon by Richard II. to attend four Irish kings who came to do homage to him whilst he was in Dublin. The whole account of their reception and entertainment very much resembles that which we have shown lately to the Cherokees and Mohawks; and he observes that everything was in common between the kings and their servants." So much for Irish kings and their dignity in the reign of Richard II.

At a later period than this (1446) a Parliament was held at Trim, in which the Irish were directed not to suffer their beards to grow upon their upper lips; not to wear shirts

stained with saffron; and still later, Spenser, in his Dialogue upon the State of Ireland, says, that in the time of Queen Elizabeth they let their hair hang so far over their faces, that it was difficult to distinguish one from another; and this difficulty greatly favoured their thefts and rapines on the English. The third chapter of the first statute of Henry VI. directs, that on account of the murders, robberies, and other felonies committed in different counties of England by Irishmen resorting to the University of Oxford, all natives of that country shall be obliged to leave England within a month, under pain of forfeitures and imprisonment, except graduates in the University, beneficed clergymen, and lawyers. Barrington remarks upon the injustice of banishing a whole nation, which was now incorporated with England, merely because some riots had occurred in the neighbourhood of Oxford, at which some Irishmen had assisted, possibly with the intention of *restoring peace and tranquillity!* (a quiet joke of the clever commentator). The statute of the 1st of Henry V., which likewise directs the Irish to return to their homes, gives a more humane reason for the injunction—viz., “That their own country was depopulated by the great resort of the Irish to England.”

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## CHAPTER II.

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INSTRUCTION derived from our Ancient Statutes—Sumptuary Laws—  
Reign of Henry VII. an Era in European History.

THE chapters in Macaulay's History, on the Social Condition of England, are by some esteemed the most interesting in his book. Let us see if our own statutes, unnoticed by him, would not illustrate the social condition of the people in former ages of our history.

To show what was our social state in former times, Barington quotes the 4th chapter of an ancient Act of Parliament, relating to the forest laws (about the date of the fourteenth century), whereby it is ordered: "If any of the deer of the forest are found dead or wounded, it is humanely directed, that they shall be sent to the next house of *lepers*." "We hear little of this leprosy in our histories or chronicles; and this is, perhaps, the only instance of its being mentioned in any law, though there are several of the ancient Scotch statutes which relate to it. Kentzner, indeed, who was in England during the reign of Queen Elizabeth (and, perhaps, the first travelling tutor to a young nobleman in the tour of Europe), says that the English were at that time much subject to the leprosy. I should doubt much whether this supposed leprosy was more than the scurvy; and if we ever had this horrible distemper amongst us, it is not impossible that greater cleanliness, by change of linen, as also the use of tea having abolished the more solid and substantial breakfast of meat, may have much

abated its rigour. After all, perhaps, the leprosy here alluded to by the statute may not be *elephantiasis*, but only a kind of *itch*, which the inhabitants of poor and mountainous countries are subject to, from a poverty of blood, occasioned by poverty of diet." This seems to be a question for the doctors.

The 10th statute of Edward III., a sumptuary law, recites great inconvenience to the more opulent by excess in eating, to which "*Les gentz du royaume sont usez plus que nul part ailleurs*;" and likewise the ruin to those of less affluent fortunes, from an absurd endeavour to imitate this extravagance. It therefore ordains, that no one should be allowed, either for his dinner or supper, above three dishes in each course, and not above two courses; and it is likewise expressly declared, that *soused meat* is to count as one of these dishes; certain feasts and company days are, however, excepted, in which three courses may be allowed.

The 11th statute of Edward III., in the 4th chapter, amusingly regulates the quality of the apparel by the state of the pocket. It directs, that neither man nor woman who cannot afford to spend £100 a year should wear furs, under penalty of forfeiting the furs, and they are likewise made liable to an indictment. It would appear from ancient portraits, that before the manufacture of gold and silver and lace, furs constituted the greatest finery in dress.

#### STATUTE OF PROVISORS.

25 Edward III., stat. 1: A.D. 1351.—Sir Henry Spelman gives this account of the meaning of the word *provisors*, as used in this statute, the general signification of the word being synonymous with a *purveyor*—a Looker-out:—"Provisores etiam dicuntur, qui vel episcopatum, vel dignitatem aliam ecclesiasticam in Romanâ curiâ sibi ambiebant de futuro,



quod ex gratia expectativa nuncuparunt, quia usque dum vacaret expectandum esset." As this statute is to be considered as a sort of manifesto against the Court of Rome, the preamble is more full and laboured than that of any other law which hath yet occurred.

36 Edward III.: A.D. 1362.—In his summary on this statute and the various statutes enacted in the reign of Edward III., Barrington observes of this monarch:—"He will for ever deserve to be venerated by posterity for the statute of *provisors*, by which the seeds were sown of that freedom and independency in the Church of England, which prepared the minds of men for the Reformation. Whatever may have first contributed to this, may justly claim our warmest gratitude; though the dread of the Papal anathemas is now happily so far removed, that we can scarce credit any free people could have submitted to such encroachments and national indignities." Thus have we had an imperfect picture of the old Statute Book of England. Next we shall make a brief reference to Ireland.

In reverting to the reign of Henry VII., we find many statutes passed in the Irish Parliament descriptive of the manners of the time, and of the state of social life in this city and kingdom. For example, an Act was passed to restrain the carrying of hawks out of this kingdom, by which it was enacted, "that whatsoever merchant should take or carry any hawk out of the said land of Ireland, should pay, for every Goshawke, 13s. 4d.; for a Tiercel, 6s. 8d.; for a Falcon, 10s."

We have then an Act passed on the supplication of the Dean and Chapter of St. Patrick's, stating, "That the church and close were situated in a low valley, and that the Dean and Chapter, fearing the violence of the waters and floods, to their great charge and cost, for the safeguard of the

church, had made divers issues for the free avoidance of all such sudden floods; also there was of old time, and now there are, two rivers or passages of waters, one upon every side of St. Patrick's-street, called the *Podell*, through which all such waters had a lawful course, and large passage, without any impediment; until now of late that the said rivers and podells be filled and stopped; so that within a few years and late dayes, the said church and colledge have been surrounded with great superfluities and abundance of waters, to the great hurt and damage of the said Dean and Chapter and colledge: the premises considered, it is enacted, established, and adjudged, by authority of this present Parliament, that every man which doth dwell, or inhabit, or hath a house, upon the said Podell, shall cleanse and scour the said precinct, as it was of old time, within two months after this present Act passed, upon pain of twenty shillings, to be levied by the Proctor of the Church of St. Patrick aforesaid."

We next find a valuable Act against Provisors to Rome, reciting that "many strifes had prevailed betwixt the Prelates and other of the Church of Ireland, by reason of divers Provisors suing, by false suggestions made to the Court of Rome, for to deprive of possession the said Prelates, and other Beneficers, from their livelihood and benefices." It was enacted "that all manner of statutes made within the realm of England, as well as within the land of Ireland, against Provisors, by this present Parliament, be authorised and confirmed, and be henceforth straightly executed in all points within the said land, according to the effect of the same." A memorable instance of the assertion of the independence of the Church, by Catholics, against the usurpations of Rome.

We have likewise an Act for the confirmation of the Sta-

tutes of Kilkenny—with the exception of the enactment that every subject shall ride in a saddle. To have asked an Irishman to use a saddle, must have been to put him to torture. The Act also excepts those clauses which speak of the Irish language, upon which the criticism of Barrington thus runs:—

“There was indeed a statute made at Kilkenny, in the fortieth year of Edward III., (whilst the Duke of Clarence was Lord Deputy), to abolish the Brehon and introduce the English laws; but this law was certainly never carried into execution beyond the English Pale, any more than another, made in the tenth of Henry VII., by which the use of the Irish language was forbidden under penalties. The first statute which *thoroughly established the dependence of the Irish was the famous law of Sir Edward Poynings*, who was Lord Deputy of Ireland in the reign of Henry VII.” Here we have a true character of Poynings’ law.

We may observe the philosophical advice given by a contemporary of Sir John Davis. Lord Bacon, in a letter to Secretary Cecil, in 1601, recommends the reforming the barbarous laws, customs, habits of apparel of the Irish, as also their poets and heralds, who *enchant* them in savage manners, and sundry other such dregs of barbarism.

We find another statute—“That every subject having goods and chattels to the value of £10, shall have an English bow, and a sheafe of arrows.”

We have also an Act—“That no person or persons, of whatsoever estate, condition, or degree, he or they be of, take part with any lord or gentleman, or uphold any such variances or comparisons in word or deed, as in using these words, *Cromabo*, *Butlerabo*, or other words like, or otherwise contrary to the King’s lawes, his crown, and dignity, and peace, but to call only on St. George, or the name of his Sovereign Lord, the King of England for the time being.”

King Henry has been praised by Lord Bacon for his ability and his policy. I prefer, however, the commentary of Barrington, where he says :—"Henry had, however, the merit, either from reasons of policy, or perhaps, more humane motives, to render the lower class of people more independent and free from the oppression of the rich and powerful, of which a statute of the eleventh year of his reign, entitled, '*A mean to help and speed poor persons in their suits*,' and commonly known by the name of the Pauper Act, is a very sufficient proof. He therefore deserves the honourable title which James I. says his grandfather had obtained, viz. : *the poor man's king*, a title which deserves to last to the remotest ages, when his elegant and expensive monument in Westminster Abbey is not to be found in its place."

From the time of Henry VII. we have arrived at a great era in the history of England, and of the world. The union of the Roses had terminated the civil war in England. Her power was no longer broken by revolution and civil war; and she became, under the government of Henry VII., one of the great states of the civilized world. That world was about to be revolutionized in politics, in learning, in commerce, in religion. The discovery of America by Columbus, whom Henry meant to have aided, the discovery of the new passage round the Cape to the East Indies, by Vasco de Gama, produced consequences of moment to all the states of Europe. In that same age, the conquest of Constantinople, by the Turks, introduced into Italy, through the expulsion of the Greeks, their refined taste in poetry, and eloquence;—while the use of printing and the invention of gunpowder changed at once the arts of peace and the arts of war, and prepared the human mind for the great events which were speedily to happen.

### CHAPTER III.

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The Statute Book teaches Social History—Sketch of King Harry VIII.—Characteristics of The Ormondes and of The Geraldines—Credulity of English Statesmen—Secret of Irish Disturbances found out—Kildare impeached—Figures on the Field of the Cloth of Gold—The Son of King Harry becomes Lord Deputy—Kildare again impeached—Enjoins Silken Thomas to throw off the Mask—Silken Thomas murders the Archbishop of Dublin, and is beheaded at Tyburn with his Uncles five—King Harry hangs the Lord Lieutenant—Terrifies Rebellious Chieftains—Pacifies Ireland—Compels Absentees to reside—Passes a Peculiar Poor Law—Boils to Death a Cook who poisons the family of his master.

I HAVE said that the history of the statute-book, rightly studied, would open up the social and political condition of our country. It may be replied, If this be so, illustrate your argument: take a statute for your text, and discourse upon its meaning. We open the statute-book of Henry VIII., and read the Act for the attainder of the Earl of Kildare.

King Henry VIII. reached the throne of England in the vigour of his youth, animated with lofty hopes, and regarded by his subjects with fond expectation. He was rich, magnificent, intellectual, and intolerant. With Francis I., the gay and chivalrous monarch of France—and with that profound dissembler, Charles V., he bravely played the game of the world. He was every inch a king—possessed of learning and of talents; but, like his race, haughty and passionate, and when he became intoxicated by power, and swollen by vanity, was intractable, cruel, and overbearing. Of Ireland he proclaimed himself king, and resolved to govern it in a kingly

fashion. How he began, how he conducted, and how he concluded his attempt, the history of the attainder of the Earl of Kildare will best exemplify. He had great difficulties to contend with; for the wars of the Roses had diminished English influence in Ireland, by attracting to England a number of the English nobles who were most loyal to the crown, in whose absence the native chiefs had re-occupied, if they did not re-conquer, the lands of their forefathers. The O'Neales, the O'Donnells, the O'Carrolls, the O'Briens, the O'Byrnes, the O'Tooles, false and fickle, rushed forth and displayed all their ancient dispositions. The two leading families of the kingdom were the Geraldines of Kildare, and the Ormonds of Kilkenny. The Ormonds, renowned by a nobility of nature more than by their rank, were ever loyal, ever faithful, ever true to their engagements, their honour, and their king. The policy of the Geraldines was simple and selfish, yet profound—a policy often acted upon in the history of Ireland from that time to the present day, namely, to secure the government for themselves, by making it impossible for others to govern. Leland publishes a letter from an Earl of Kildare to O'Carroll, an Irish chief, avowing this policy. They had played their part as rebels and as rulers with admirable success.

In the time of Henry VII. it suited the purpose of Thomas, the eighth Earl, to dispute the title of Henry VII. to his crown. He accordingly crowned Lambert Simnel, the impostor, with his own hand. When that impostor fell, the Earl took up Perkin Warbeck; and while supporting this competitor to the crown of his sovereign, spread fire and slaughter throughout the land. The Sir Edward Poynings of whom we have before spoken, an able and a resolute man, grappled with the proud and perfidious chief, overpowered him in the field, and carried him to England, where he was

charged with murder and with treason. He was told by the king that he must choose his advocate. He answered, "I will choose the ablest in the realm. Your Highness I take for my counsel against these false knaves," seizing, according to the historian, the hand of Henry with an uncourtly familiarity. Among other accusations, it was urged that the Earl, in one of his lawless excursions, had burned the cathedral of Cashel to the ground, and the Archbishop was present as prosecutor. "Spare your evidence," said the Earl: "I did burn the church, but I should not have done it, if I had not been told that my Lord Archbishop was inside." The insolence of his wit, and the audacity of his behaviour, proved his best defence. Amidst laughter, one of the council exclaimed, "All Ireland cannot govern this Earl." "Then let this Earl govern all Ireland," was the reply of Henry. He was sent over to England an impeached traitor: he was restored to his estates and honours, and returned to Ireland a Knight of the Garter, and Lord Deputy of Ireland. Thus did the haughty Earl glory in his crime, and profit by his rebellion.

"What, thou fool," said Sir Gerald Shaneson to a younger son of this nobleman, thirty years later, when he found him slow to join the rebellion against Henry VIII., "what, thou fool, thou shalt be the more esteemed for it; for what hadst thou if thy father had not done so? What was he until he crowned a king here; took Garth, the King's captain, prisoner; hanged his son; resisted Poynings and all deputies; killed them of Dublin upon Oxmantown Green; would suffer no man to rule here for the King but himself? Then the King regarded him, and made him Deputy, and married thy mother to him, or else thou shouldst never have had a foot of land, where now thou mayest dispend four hundred marks by the year." We are thus let into the secret of Irish poli-

tical disturbance in former days. There were qualities also in the Kildare family which gave them peculiar influence, not in Ireland only, but at the English court. Living like wild Irish in their castle at Maynooth, they appeared in London with the address of polished courtiers, when the complaints against them becoming too serious to be neglected, they were summoned by the Crown to give account of their conduct. They had only to present themselves before the Council, and it was at once impossible to believe that the frank, humorous, high-minded gentlemen at the bar, could be the monsters who were charged with fearful crimes. Their ever-ready wit and fluent words, their show of bluntness and pretence of simplicity, disarmed anger and dispersed calumny, and they returned on all such occasions to Ireland more trusted than ever, to laugh at the folly which they had duped. So lived Thomas, Earl of Kildare, and so he died, leaving his son Gerald, ninth earl, to follow his father's bright example. Gerald became Lord Deputy, and did as his father had done before him. King Harry at last awoke to a sense of his condition, and acted upon the reports of his faithful councillors, removed the false Lieutenant from his office, and summoned him to his royal presence. Like a dutiful subject, before his departure for England, he conveyed out of the King's Castle of Dublin "all his Grace's guns, powder, shot, bows, arrows, caltrops, bills, and all other the King's artillerie and munitions of war, garnishing and furnishing his own castles and fortresses with the same, and delivering part thereof to wild Irishmen, the King's mortal enemies." Lord Surrey, who was a brave soldier and a virtuous ruler, was directed by King Harry, in a wise letter under his own hand, to summon before him the Irish chieftains and discourse them on the principles of social order and good government; and especially the King commanded his Deputy to explain to these chiefs that in his, King Harry's



opinion "of necessity it was requisite that every reasonable creature be governed by a law." But I will add that King Harry, when he wrote this sage advice, was young and inexperienced of life in Ireland, and the chiefs who heard it, resolved to disbelieve and to disobey it. Surrey dealt out justice, subdued the rebel chiefs, and told his sovereign truth.

Meanwhile the Earl of Kildare made all use of his opportunities in England. He was there the polite courtier and gallant soldier. He captivated King Harry—attended him—was one of his knights at the famous interview with Francis on the Field of the Cloth of Gold. This was a scene of unparalleled magnificence, in which the nobles of England and France vied with each other in splendour and in folly. The false Earl was now rewarded for his treasons. The King allowed him to marry Lady Elizabeth Gray, daughter to the Marquis of Dorset, and nearly related to the blood royal, and in 1524, marvellous to mention, he was again Lord Deputy of Ireland.

War having broken out between King Henry and King Francis, the loyal Earl intrigues for the invasion of Ireland with the worst enemies of England. But Wolsey was still in power, and detected the perfidy of Kildare, who was again summoned to London to answer for his multiplied treasons. Wolsey overwhelmed him with invectives, and sent him to the Tower; but he was not deserted by his ancient cunning. He dispatched a fair messenger across the channel. O'Connor instantly obeyed the message, rushed forth with his clan, seized on the Vice-Deputy, and carried him prisoner to his den. Had King Henry not been embarrassed by foreign politics, the day these tidings reached him, the head of Kildare would have dropped on the scaffold. But King Henry temporised, remonstrated with O'Connor, who boasted that within one twelvemonth they would care

no more in Ireland for the King of England than for the King of Spain.

We read that King Henry VIII. had one illegitimate son, to whom he was fondly attached, and whom he had ennobled by the title of Duke of Richmond. He had heard that the Irish had long desired to be ruled by royalty; and he now resolved to gratify the desire of his Irish subjects by making his son their governor. Accordingly, selecting a brave old officer, named Sir William Skeffington, for Vice-Deputy, he made the Duke of Richmond Lord Deputy, and gave him, for his confidential adviser, the twice-impeached Earl of Kildare. Skeffington was soon got rid of; and the Earl of Kildare again found himself sole Lord Deputy in the year 1552. This proud and perfidious Earl seems then to have lost alike fear and shame. He practised cruelty, avenged himself on his opponents, and usurped despotic authority at home, while, in concert with Desmond, he communicated with the enemies of England abroad. His avowed purpose was to overthrow the sovereign by whom he had been pardoned, favoured, honoured. His designs were discovered and exposed by Allen, Archbishop of Dublin—a friend of Wolsey—and by his kinsman, Allen, Master of the Rolls; and, while rebellion was active in Ireland, the Earl of Kildare was, for the third and last time, summoned to England to answer for his offences; and, strange to say, he had the hardihood to obey the summons. On his arrival in London he was instantly sent to the Tower. He may have muttered to himself—Have they found me out at last, and will they believe my lying tongue no longer? The time for action has arrived; and, therefore, my eldest son, Lord Thomas Fitzgerald, whom I have left Vice-Deputy of Ireland, must now at once make war upon the king.

Charles V. had at this time undertaken to execute the

papal sentence of excommunication upon King Harry ; and his policy was to encourage an Irish rebellion. “ Lord Thomas Fitzgerald had now thrown off his allegiance, and had committed infinite murders, burnings, and robbings in the English Pale, making his account and boast that he was of the Pope’s sect and band ; and that him he would serve against the king and all his partakers ; that the King of England was accursed, and as many as took his part.” But, to do the young Earl justice, before unfolding the banner of insurrection, he flung the sword of state, which, as Vice-Deputy, he held, into the hands of the King’s Council, and bluntly exclaimed—“ This sword of state is yours, and not mine ! Now I have need of mine own sword, which I dare trust. I am none of the King’s Deputy—I am his foe ! I have more mind to conquer than to govern !”

At first “ Silken Thomas ” was successful ; the country was ravaged, the officials shut themselves up in the Castle, where they awaited the aid which the faithful Ormond found it difficult to supply. King Harry had sent his men-at-arms, headed by gallant knights, to Chester, on their march to Ireland. Archbishop Allen proposed to steal on board a vessel in the Liffey and sail for Chester, so as to hasten the arrival of the brave knights of England. The Archbishop embarked in safety, had a prosperous voyage down the Liffey, but through the misadventure that fortune or design accorded in giving him a Fitzgerald for a pilot, the following morning found him on the historic sands of Clontarf. A visit from the Earl of Kildare at daybreak decided the Archbishop’s fate : the short shrift, that even violence has often granted to the victim, was denied. His skull was cleft open as he knelt in prayer in his shirt ; or, to quote from the act of attainder of the twenty-sixth year of Harry VIII., “ And the said Archbishop, kneeling in his shirt barefooted and bareheaded

before him, asking of him mercy, and immediately without any respite, most shamefully and traitorously murdered and killed out of hand, and also caused the said Archbishop's servants, and as many other Englishmen as he could find within the land, to be murdered."

The rage of King Harry was unbounded. The hand of death rescued the old Earl in the Tower from the fury of his master.

The knights of England were now commanded to strike down the false Geraldines, and to spare not. They besieged the castle at Maynooth; and ere the rebellious clans friendly to "Silken Thomas" could reach the scene of action, the walls were burst through, the castle stormed, and twenty-five of the followers of the perfidious Geraldines were hanged high upon the battlements.

Back to their fastnesses fled the O'Connors, the MacMahons, the O'Tooles; they saw King Harry was in right earnest, and that the power of England would bear down upon their guilty heads. Fear, not loyalty, withheld the upraised arm. "Silken Thomas," now deserted and forlorn, surrendered himself a prisoner, and is dispatched to the Tower in London, together with his uncles five, brave and noble-looking men, who had been invited to a dinner as guests, while in reality foredoomed and betrayed. King Harry spared them for a time to repent and pray.

What mournful procession is this we behold stretching towards Tyburn-hill? Alas! we behold, drawn slowly to the horrid spot, the young, brilliant, courageous traitor, who dared to fight for empire against King Harry—Thomas, Earl of Kildare, his eye still fiery, his spirit still erect, his bearing proud, his apparel gay—and there beside him stand his uncles five—all moving forward to their awful doom.

That was a black day for the Geraldines, that 3rd of

February, 1537; the scaffold was reddened with their blood. Not one of their race was to be allowed to defile the earth. "And so," exclaimed King Harry, "will I deal with every Irish traitor; for I have been deceived by those whom I most favoured and trusted."

One youth, Gerald, brother of Silken Thomas, escapes by the zeal of a tutor, the affection of an aunt, and the fidelity of his followers. Romantic adventures befall him. He is received abroad with honours almost royal—he is to be wedded to a Scotch princess, and unite Scotland with Ireland against England's power. But King Harry dies; young Gerald is pardoned, knighted, restored to his honours and estates, wedded to a beautiful lady; and through him a long line of posterity distinguished has flourished in our land. The Geraldines were taught a lesson which they required, and Ireland during Harry's reign was tranquil.

An interesting record is now published of the Earls of Kildare, by one of their amiable descendants, which truly represents the lineage and the actions of a noble house. The volumes published by our ingenious and learned countryman, Sir Bernard Burke, also illustrate the antiquities and history of our country.

Thus did the great King Harry prove his power and show his resolution, and thus did he prove to his amazed subjects in Ireland that it was "necessary for every reasonable creature to be governed by a law." The rebellious chiefs trembled, and said, We must obey; for if Kildare be hanged, who can escape?

We have now, as Lord Deputy of Ireland, Lord Leonard Gray, brother of the Marquis of Dorset, and brother-in-law of the Earl of Kildare. He had the reputation of a soldier, and seemed fitted for his office. He fought with the rebels, stormed their castles, quarrelled with his Council,

and could obtain no money from his Parliament. In his anger he exclaimed, that "it was predestinate to that country to bring forth sedition, invention, and lies." In his ungovernable rage he questioned even the loyalty of an Ormond. The King now issued a commission to discover, if it was discoverable, the truth of affairs in Ireland. The Commissioners reported to the King, who hesitated to act upon their report. The Ormonds refused to act with the Lord Deputy, while Desmond, with the Lady Fitzgerald, sister of the late Earl of Kildare, formed a plot with the Pope and the Spaniards for the overthrow of British power in Ireland and the establishment of the Romish ascendancy. The old enemies of King Harry, the Emperor and King Francis, it was expected, would attack England. The King of Scots was to cross into Ulster, the Fitzgeralds were to rise and fall upon the English within the Pale, and O'Neal was to proclaim himself King of Ireland on Tara Hill. Of course, O'Neal and his confederates broke out into rebellion. The Lord Deputy Gray found himself betrayed by the very men to whom he had trusted, and exclaiming, "that there was more falsehood in the Irish than in all the devils in hell," drew his sword and defeated the confederates, and disappointed O'Neal of his coronation on Tara Hill. Then, with melancholy inconsistency, he favoured the Geraldines, deceived and trampled on the loyalists, and abandoned his duty. His Excellency was arrested, clapped into the tower, impeached, pleaded guilty, found no pity from his sovereign, and, painful to relate, was executed on the scaffold. The Irish chieftains by this time understood the character of King Harry, and I have little doubt exclaimed to each other, "If we do not make a prompt submission, we shall all, like his Excellency the Lord Lieutenant, be most assuredly hanged." They accordingly submitted. A Parliament was summoned by the Lord Deputy

in Dublin, at which the most turbulent of the Irish chieftains were present. An Act was passed by acclamation, whereby it was declared, "That the King's Highness, his heirs and successors, be always Kings of this land of Ireland, united and knit to the imperial crown of England for ever." This celebrated statute preserves the unity of the executive power in England and in Ireland, and prescribes that whosoever should be king *de facto* in the one, should be also sovereign in the other. The power of the Pope was overthrown, so far as by Act of Parliament it could be done. The Sovereign of England was declared to be the head of the Church; the religious abbeys were suppressed, the lands were distributed upon easy terms amongst the Roman Catholic chieftains, who did not blush to share the spoil; and, thus enriched and ennobled by King Harry, they undertook to conspire no longer with France, the Pope, or Spain. The Irish chiefs were feasted by the King in his palace at Greenwich; but while they feasted they trembled, because they felt that if they misbehaved, they would all be hanged. So, after this fashion King Henry reigned and ruled over his happy kingdom of Ireland.

Although, during the long reign of Henry VIII., the Parliaments held in Ireland were few; and although the number of members was small, not amounting to one hundred, and, until the thirty-third year of Henry VIII., limited to persons of English blood or birth; and although Sir John Davis speaks somewhat slightly of the purposes for which Parliaments in this reign were held; yet many useful English statutes were adopted by the Irish Parliaments, and during this reign our laws were, in many respects, improved and assimilated to those of England: and we must in fairness admit, as we peruse the statute book and the history of this reign, that whatever may have been the vices or

the crimes of King Harry, he meant to rule Ireland fairly, to introduce the English laws, and to maintain tranquillity and order. That he meant to enforce the residence of the grantees of Crown lands is attested by that singular Act called the Act of Absentees. The receiving of rents through agents, though by unwilling absentees, was treated as a crime by Harry VIII.; and those English noblemen who, by marriage or descent, acquired lands in Ireland on which they were unable to reside, were expected to grant those estates to persons who could and would reside. The evils of absenteeism were recorded in the statute referred to, and the "King's Majesty, intending the reformation of the said land, to foresee that the like shall not ensue hereafter, with the consent of his Parliament, pronounces *forfeited* the estates of all absentee proprietors, and their right and title gone." A construction was put on this singular statute in the case of the Earl of Shrewsbury, also Earl of Waterford, and reported in the 12th part of Lord Coke's Reports—"It was resolved by the Judges in England, to whom the question was by the Privy Council referred, that the Irish Act against absentees did not only take away from the Earl of Waterford the possessions which were given to him at the time of his creation, but also the dignity itself." And the Judges said—"It was with good reason to take away such dignity by Act of Parliament; and although the said Earl of Shrewsbury be not only of great honour and virtue, but also of great possessions in England, yet it was not the intention of the Act to continue him Earl in Ireland, when as his possessions were taken away from him; but that the King, at his pleasure, might confer as well the dignity as the possessions to any other, for the defence of the said realm."

I ought to mention that the propriety of this opinion of



Lord Coke and others came before the Lords in 1852, in the case of the Earl of Shrewsbury claiming, as Earl of Waterford, to vote at the election of Representative Peers of Ireland; and it was held that the dignity of the peerage was not taken away by the Irish Act against absentees; and that the opinion above cited was not binding upon the House of Lords, or any other Court of Justice.

But the Act referred to, against absentees, is to be noted and remembered, because it proves not only what was the legislation in point of fact at the time, but also the policy upon which large grants of land were made in Ireland, and shows the expectation that thereby this country would be tranquillized, enriched, and civilized. The principle of the law against absentees has been derided by political economists of our days; but King Harry cared little for abstract theories of political economy. Like the kings of his race, he wished to behold a magnificent nobility, a resident gentry, and a commonalty well fed, well housed, well clad—industry flourishing, and rogues somewhat roughly punished. King Harry's theory of a poor-law was simple and practical—beggars were proscribed; the destitute were provided with work. If a sturdy vagabond would not work, and was caught begging once, being neither aged nor infirm, he was whipped at the cart's tail; if caught a second time, his ear was slit, or bored through with a hot iron; if caught a third time, being thereby proved to be of no use upon this earth, but to live upon it only to his own hurt, and to that of others, he suffered death as a felon. And this law was enacted, it is said, "from a hatred of rascality," and was sanctioned by the general sense of the people.

When a case of poisoning a family, by a cook, occurred in the reign of King Harry, it filled England with horror and amazement. A special act of Parliament was drawn, reciting

the enormous and unheard-of crime, and "that man's life was chiefly to be favoured, and voluntary murders to be most detested and abhorred, and especially all kinds of murders by poisoning, which in this realm, our Lord be thanked, has been most seldom committed or practised." It is further declared, "That the crime shall be high treason;" and it was enacted, "that the said Richard Rous, the cook, should be therefore boiled to death."

And boiled to death he was, in a huge cauldron, in Smithfield Market, amidst the applauses of the people, "who," saith the historian, "showed a temper that would keep no terms with evil."

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## CHAPTER IV.

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QUEEN MARY—Anecdote of Dean Cole—Irish Laws passed in Mary's Reign—State of Ireland under Elizabeth—Shakspeare's character of Elizabeth—Legislation during her Reign—Creation of Free Schools—Description of First Day of Session—Length of the Sittings—Payment of Knights and Burgesses—History of the Foundation and Library of the University of Dublin.

### EDWARD VI.

IN the reign of Edward VI. no Parliament sat in Ireland.

### QUEEN MARY.

The principal statute of a beneficial character, during the reign of Mary, was for the settlement of the King and Queen's County, the transferring of them into shires, and the founding of Philipstown and Maryborough, called after the King and Queen. An Act of Parliament was also passed, defining the intent and meaning of Poynings' law, and effectually subjugating the Irish Parliament to the English Privy Council.

No Parliament had been held in Ireland for a period of thirteen years, which sufficiently proves of how little importance that assembly was felt to be in the kingdom.

In the session held in the reign of this Queen, fifteen laws were passed, nine of which have long since been repealed, being laws passed in obedience to a Bull from the Pope, which was publicly read to an obsequious Parliament, the members

of which showed themselves as ready to gratify the bigotry of Queen Mary as they had been to yield to the caprices of King Harry. But it is to be noted with satisfaction, that the persecuting spirit of the Queen was limited to the passing of those obnoxious statutes, and the restoring of Ireland to the authority of the Pope. The fires which consumed the martyrs burned in England alone ; and it is a pleasing fact that many English families, friends to the Reformation, fled into Ireland, and there enjoyed their opinions and worship in privacy, without notice or molestation.

Leland, however, in his *History of Ireland*, gives a popular story which was current in the subsequent reigns, by which it would appear that this tranquillity had, upon a notable occasion, been eminently menaced. The story is that Cole, Dean of St. Paul's, was sent into Ireland with a commission to the State, for proceeding against heretics with the utmost severity. At Chester, he showed his commission with great exultation in the presence of his hostess. The good woman, who, it seems, was allied to some Protestants, who had retired to Dublin, we are assured, was artful enough to steal the commission from the box in which it had been deposited. Cole proceeded on his voyage, appeared before the Irish Council, explained the Queen's intention ; but, instead of his commission, presented a pack of cards substituted in its place. He retired in confusion ; and the death of Mary prevented the renewal of his commission.

#### QUEEN ELIZABETH.

Queen Elizabeth is described by Mr. Froude as having been a magnificent girl. Under the persecutions of Mary, she was the hope of the English people. It had been intended and contrived to relieve her at an early age of the trouble of carrying her head upon her shoulders. The poetical prophecy

of Shakspeare over the cradle of the child was realised in after-life :—

“ All princely graces

That mould up such a mighty piece as this is,  
With all the virtues that attend the good,  
Shall still be doubled on her. Truth shall nurse her,  
Holy and heavenly thoughts still counsel her :  
She shall be loved and feared. Her own shall bless her,  
Her foes shake like a field of beaten corn,  
And hang their heads with sorrow :  
Good grows with her.  
In her days every man shall eat, in safety,  
Under his own vine, what he plants ; and sing  
The merry songs of peace to all his neighbours.  
God shall be truly known, and those about her  
From her shall read the perfect ways of honour,  
And by these claim their greatness, not by blood.”

—*Hen. VIII.*, Act v., Scene 3.

In Ireland, the instant the Irish chiefs felt no longer the firm hand of Henry, and found a girl upon the throne, they revolted. Plots, conspiracies, rebellions, wars, confiscations, followed each other in regular succession. Ireland was convulsed—Elizabeth was distracted—still she pursued fearlessly her mission, to plant and spread the laws, language, faith, and manners of England throughout this unhappy land.

The events of her illustrious reign are still felt in their glorious results throughout the world. She was surrounded by wise counsellors, brave captains, famous admirals, renowned statesmen. She rescued England, and nourished the young plant of the Reformation until it grew and bore fruit to perfection in the land. In Ireland, the statutes of Queen Mary were reversed ; the statutes of King Henry were restored ; the Protestant religion was established, and the Protestant worship confirmed. She restored the Earl of Kildare, his brother, and sister, to their blood ; while an Act

was passed for the attainder of Shane O'Neil, entitling the Crown to vast territories in Ulster. Some of her laws, as those against fraudulent conveyances, were not extended to Ireland till a subsequent reign. Barrington, upon the character of her laws, says—"I have perused her laws with attention, and, except the statute against fraudulent conveyances, I do not find any other of very great importance." Sir John Davis asks, as to her Irish Parliament—"To what purpose did the Earl of Sussex hold his second Parliament in Ireland, but to establish the Reformed religion in this kingdom?"

In the eleventh year of Elizabeth, (who reigned forty-five years), four Sessions of Parliament were held in Ireland; two in the twelfth, one in the thirteenth, another in the twenty-seventh, and the last in the twenty-eighth year of that reign. From this period, Parliaments were not convened in Ireland until the eleventh year of King James I. So that our forefathers lived for twenty-six years without feeling the power or the presence of a Parliament in Ireland.

Amongst the laws which the Parliament of Elizabeth passed in Ireland, there was one for the punishment of perjury; and another, more useful still, for the creation of free schools in every diocese in Ireland. But in those troublous times of our ancestors, it was not laws, but protection for their lives, and property, and religion, they required.

We have from the pen of a Mr. Hooker, who represented the important town of Athenry in the Parliament held by Sir Henry Sidney, in the eleventh year of Queen Elizabeth, a description of the method of proceeding at the opening of Parliament in our city three hundred years ago. Mr. Hooker (a member of the House, and whose interesting memoir is given by Lord Mountmorris) says:—

"On the first day of which Parliament, the Lord Deputy

was conducted and attended in a most honourable manner unto Christ's Church, and from thence unto the Parliament House, where he sat under the cloth of estate, being apparelled in princely robes of crimson velvet, doubled or lined with ermine. And then and there, the Lord Chancellor made a very eloquent oration, declaring what the law was." And then, concluding with an exhortation of obedience and dutifulness, he ended, and the Court adjourned until Thursday next, the 20th of January.

He mentions a circumstance that proves the regular hours of past legislators, viz., "One of them rose up, and would have answered the party, but the time and day were so far spent above the ordinary hour, being well near *two* of the clock *in the afternoon*, that the Speaker and the Court rose up and departed."

At this happy time, every knight was entitled to receive 13s. 4d. per day; the citizen member at first got the same pay; afterwards the city member was cut down to 10s., and the burgess to 3s. 4d.; the allowance to begin from the first day of starting on the journey to Parliament. The House met, and fell to fighting furiously amongst themselves—"the more words, the more choler; the more speeches, the greater broils:" hatred of English members the cause. The Judges are called in to compose the confusion; they failed. At last business was allowed to proceed, and the English Orders, and rules for summoning and regulating Parliaments were presented and adopted. It is remarkable, that in this collection of the English Orders, which were presented by Mr. Hooker, and adopted by the Irish Parliament, there is not any form of oath prescribed which would exclude Dissenters or Roman Catholics from sitting in Parliament.

The reign of Elizabeth was celebrated for an event in which we all take the deepest interest—the foundation of the

University of Dublin. It was the glory of Alfred that he framed a code of laws rational and consistent—that he founded and endowed the University of Oxford. It was the glory of Elizabeth that she, a lady and a queen, amidst the din of arms and the tumult of civil war, founded and endowed the University of Dublin. If all the friendless men of genius who since that hour have found a home within her walls could be here assembled, what a famous company would we not behold of wits—scholars—authors—orators and statesmen! Like our country, the University had her early struggles—her bitter mortifications—her many disappointments; but I hope I may live to say of that country as I can say of her—that if adversity has tried, it has strengthened her—that if difficulties have checked her onward march, they have vanished—if her course was retarded, she now presses forward in her career of a noble utility. That venerable pile which faces the ancient Senate House, has schooled for the Senate the orator and patriot. From generation to generation she has been the wise and gentle preceptress of the youth of Ireland. From age to age she has been seen to hold high the lamp of knowledge, to illuminate or dispel the darkness of ignorance. Immortal truth has been taught by her divines since the hour Elizabeth founded the institution. The secrets of science have been by her inquisitive professors explored—discovered—proclaimed. The intellectual treasures of Greece and Rome have been unlocked and shared—many a thirsty aspirant has drank without exhausting her Pierian spring. If she aspires to lead the mind of youth in this ancient kingdom, it is by no mean or vulgar arts. She invites all to study truth divine—she coerces none. All her influence is directed towards what is beautiful and good. Her ambition is satisfied when she beholds her sons practise virtue, pursue truth, shine before the world, and serve their



country. No schemes of party—no smiles of the great—no frowns of power—no whisper of faction—no false promise—no corrupt inducements, can there prevail to hide the genius which is struggling to develop untried powers.

The republic of learned men levels all distinctions, and only acknowledges the supremacy of intellect and worth. Behold the infancy—the growth—the maturity of this great national institution ! The intention, as expressed by Sir John Perrott, the Deputy, in his letter to the Lord Treasurer of England, is significant of the state of Dublin at that time :—

“That whereas there is no place for the courts of law save only an old hall in the Castle of Dublin, *dangerously placed over the munition of powder* ; that the Cathedral of St. Patrick, being spacious and large, would sufficiently serve for all the several courts ; and there being a want of a storehouse for grain and other provisions, and no fit place for it, whereby the waste in victualling is the greater ; that the Canon’s house environing the church ought aptly serve for an inn of court *to bestow the judges and lawyers in*, in exchange for which their inns of court, lying commodiously over the river and near the bridge for loading and unloading, might as aptly serve for a storehouse and granary. That there being two cathedrals in Dublin ; this being dedicated to St. Patrick, and the other to the name of Christ ; that St. Patrick’s was had in more superstitious reputation than the other, and therefore ought to be dissolved. That the revenues of St. Patrick (4,000 marks per annum) would serve to begin the foundation of two universities, and endow a couple of colleges in them, with one hundred pound per annum a-piece, and the residue may be employed in the reparation of said church and houses, and be annexed unto Christ Church by way of augmentation of the choir.”

Finally, the Corporation of the city granted what was the

ancient Monastery of All Souls, and the lands adjoining, for the purpose of the foundation. In 1591 the letters patent passed, by which, first, a college was appointed to be erected, to be the mother of an university, in a certain place called All Hallows, near Dublin, for the education, institution and instruction of youth in the arts and faculties—TO ENDURE FOR EVER. Second, its name was given, and it was added—“*A Serenissimâ Reginâ Elizabethâ fundatum.*”

On the 13th March, 1591, the Lord Mayor laid the foundation stone with great solemnity. On the 9th January, 1593, the first students were admitted. Elizabeth, by her strong arm, saved the feeble institution from ruin. She left her example to James I. He loved learning, and therefore loved our College, and added largely to its endowments. Subsequent sovereigns trod in their footsteps, and emulated their example. The Parliament of Ireland frequently aided munificently the University with grants of public money; learned men founded exhibitions and professorships; and so the seed, sown in storm and rain, felt the sunshine, and grew up to flower and bear fruit.

There is written, I believe, by my late dear and lamented friend, the Rev. Dr. Mortimer O'Sullivan, in the *Dublin University Magazine*, a narrative of the foundation of the Library in the University of Dublin. It is deserving your perusal, as also is the history of the University itself, written by Mr. Taylor. A beautiful episode in the history of sanguinary wars, rebellions, and confiscations, is afforded by the origin of the magnificent Library which you now behold, and behold to admire. The army of Queen Elizabeth had subdued every foe, expelled the Spaniards from Kinsale, and reduced Ireland to obedience. That same army then resolved to leave behind them a memorial which might be lasting, of their love and admiration for the kingdom they had conquered. They practised war, but they preferred the

nobler arts of peace. These heroic men collected nigh £2,000—a vast sum in those days—and placed it in the hands of Ussher, to be applied towards the acquisition of a Library for the University of Dublin. Ussher fell in with Bodley, then in London, making purchases for that institution called the Bodleian Library of Oxford. These deep scholars and enlightened men co-operated, and by their joint labours a great work was accomplished, the result of which is that Library of our beloved University which you now behold. The British army have achieved many a gallant feat of arms ; but such a feat as this no army I ever read of did before. All honour to its memory. The library of Ussher, purchased by Cromwell, was afterwards added by the Parliament of Ireland to the noble collection.

In 1614 the University obtained political rank. The privilege of returning two members was bestowed upon it. How they exercised that privilege in times past, the country may decide. Sir William Temple, Sir James Ware, Molyneux the patriot, Sir Archibald Acheson, Tisdall, Laurence Parsons, W. H. Burgh, and others, upheld the fame of the University and the rights of their country. Plunket was named by Bushe, “The Wellington of the Senate,” and spoke on his peculiar subjects with matchless eloquence and power—Croker left a high name in the annals of literature and politics.

The educated sons of our University are now in distant quarters of the world, occupying high posts, which they have won by their abilities against honourable competition ; and, oh ! happy omen, she is now governed by a native nobleman, who, like his race, unites a love of country with a zeal for science, and thinks it not incompatible with his rank and with his duty to prefer for himself and his descendants the University of Dublin, to the grander, but more distant, establishments of Oxford and of Cambridge.

## CHAPTER V.

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IRISH Parliament in reign of James I.—Sir J. Davis's Speech on his Election as Speaker—His Testimony in favour of the Irish—First Assizes in Tyrone, &c.—Policy and Success of the Great Plantation of Ulster—Public Characters who figured in this age.

### JAMES I.

ELIZABETH's work of conquest was complete; the work of reconciliation was now to commence.

The journals of the House of Commons of Ireland begin on the 18th of May, 1613. A Parliament was summoned, but, in comparison with former Irish Parliaments, how was it constituted and strengthened? I must allow Sir John Davis to speak, from his honoured grave, the words of truth and wisdom. On his appointment as Speaker of the Commons, the 2nd May, 1613, in his speech to the Lord Deputy, he says:—

“And now, by way of comparison, it may easily appear unto your lordship how much this first Parliament, now begun under the blessed government of our most gracious King James, is like to excel all former Parliaments, as well in respect of the cause and time of calling it, as of the persons that are called unto it. For this Parliament (God be blessed) is not called to repel an invasion, or to suppress a rebellion, or to reduce degenerate subjects to their obedience. It is not summoned to pass private bills only, or to serve private towns, or for any one special service for the Crown, though such have been the occasions and causes of calling

the most part of the former Parliaments. But now, since God hath blessed the whole island with an universal peace and obedience, together with plenty, civility, and other felicities, more than it ever enjoyed in any former age, this general Council of the whole realm is called now principally to confirm and establish these blessings unto us, and to make them perpetual to our posterities." Again: "It is not called in such a time as when the four shires of the Pale only did send their barons, knights, and burgesses to the Parliament, when they alone took upon them to make laws to bind the whole kingdom, neglecting to call the subjects residing in other parts of the realm unto them, as appeareth by that Parliament holden by Viscount of Gormanston, which Sir Edward Poynings, in the tenth year of King Henry VII., caused to be utterly repealed, and the Acts thereof made void, chiefly for that the summons of Parliament went forth to the four shires of the Pale only, and not unto all the rest of the counties. *But it is called in such a time, when all Ulster and Connaught, as well as Leinster and Munster, have voices in Parliament by their knights and burgesses*; when all the inhabitants of the kingdom, English of birth, English of blood, the new British colony and the old Irish natives, do all meet together, to make laws for the common good of themselves and their posterities.

"Lastly: this Parliament is called in such a time when all the Lords Spiritual and Temporal do acknowledge the King of England to be their undoubted patron. In a word, Sir Edward Poynings, in the time of King Henry VII., and Lionel, Duke of Clarence, in Edward III.'s time, if they could have seen but half such an assembly in their Parliaments, would have thought themselves happy and highly honoured; and yet those Parliaments, holden by them, are the most famous Parliaments that have been formerly holden in this kingdom."

All these good thoughts are in consonance with what our author wrote in his Historical Tract on the Causes why Ireland was not reduced to obedience till the present happy reign. In that admirable Essay, he ransacks the records of antiquity—reveals the policy of ancient Rome—of Agricola in Britain—of William the Norman—and insists, if the like wise and statesmanlike course had been originally pursued in Ireland; *i.e.*, if the laws of England had been freely and fully communicated to the whole Irish people, these laws would have been gladly embraced, and the two nations have been incorporated and united; in this noble method, Ireland would have been entirely conquered, planted, and civilized.

Another profound observation was made by this just man; namely, that the grant of lands made to the first great settlers created lords, was infinitely too large. “These men became petty kings, and could not endure that any kings should reign in Ireland but themselves; nay, they could hardly endure that the Crown of England itself should have any jurisdiction or power over them.” Davis is severe upon the pride, covetousness, and ill-council of the English planted in Ireland; then, as to the effect produced by Irish laws or customs, now to be extirpated, nothing can be more convincing than the argument by which the author traces the evil to its source.

Sir J. Davis quotes an extract from statute of the 18th of Henry VII. :—“The people of this land, both English and Irish, out of a natural pride, did ever love and desire to be governed by great persons.” And he adds—“Therefore I may here justly take occasion to note, that first the absence of the kings of England, *and next, the absence of those great lords who were inheritors*—of those mighty seigniories of Leinster, Ulster, Connaught, and Munster—have been main causes why this kingdom was not reduced in so many ages.”

The principle of the Act against Absentees was considered

wise by Sir John Davis ; and he recounts with satisfaction all the seizures made of lands of great absentees under its enactments. And it was insisted by this eminent man, after a review of all which had been done before, that more was accomplished in nine years of the reign of King James I., than in four hundred years previously—more especially by the establishing of public justice in every part of the kingdom. Sir J. Davis and Sir Edward Pelham were the first Justices of Assize that ever sat in Tyrone and Tyrconnel, and the result of their circuit is thus related by Sir J. Davis :—

“If somewhat distasteful to the Irish lords, sweet and most welcome to the common people, who, albeit they were rude and barbarous, yet did they quickly apprehend the difference between the tyranny and oppression under which they lived before, and the just government and protection which we promised unto them for the time to come.” And he adds—“For the truth is, that in time of peace the Irish are more fearful to offend the law than the English, or any other nation whatsoever.” The same opinion of the Irish is expressed by Chancellor Allen to King Harry—“If well governed,” he said, “the Irish would be found as civil, politic, and active as any other nation.”

The policy observed in the plantation of Ulster is narrated by Sir J. Davis :—

“Again : his Majesty did not utterly exclude the natives out of this plantation, with a purpose to root them out, as the Irish were excluded out of the first English colonies, but made a mixed plantation of British and Irish, that they might grow up together in one nation. And when this plantation hath taken root, and been fixed and settled but a few years, with the favour and blessing of God, it will secure the peace of Ireland, assure it to the Crown of England for ever, and finally make it a civil, and a rich, a mighty, and a flourishing kingdom.”

Truly, the prophecy of the patriot has come to pass. Ulster is civil, rich, mighty, and flourishing, equal in itself to several continental kingdoms. It was in the reign of James the famous work was begun, which continued prosperously, and ended successfully. The towns enfranchised chiefly lay in Ulster; and the descendants of the brave and industrious men, who changed the wilderness into a garden, continue to hold, with a constancy never to be too highly praised, the opinions, and to practise the virtues of their forefathers. They are prosperous because they are industrious, and they are powerful because they are united and brave. Our duty, as Irishmen, is not merely to wish, but to labour, that an equal degree of prosperity may pervade every corner of the island, and that our countrymen of all classes, so highly gifted by nature, may equal their neighbours in wealth, in wisdom, in the manly virtues, and in the cultivation of the useful arts of peace. It is a fact worthy our notice, that in the time of Elizabeth and James, there were but few Protestants amongst the old English settlers in Ireland, and fewer still amongst the native Irish; so that a reformation was needed, no less in religion than in politics. There had been no Parliament held for twenty-seven years before the fifth year of the reign of James I., which year was the first in which James called a Parliament. I suspect the advisers of Elizabeth feared to call a Parliament, because the Protestant party was so weak. James added strength to that party by his colonization, and by his corporations, especially in Ulster.

On their assembling to choose a Speaker, it was found that the numbers of the Roman Catholic party were 101, and of those of the Protestant party, 125. There was an actual scuffle in the chairing of the Speaker. We may observe that about this time, the old distinction of native Irish, degenerate English, English of blood, and English of the Pale, were



merged and forgotten in the general denomination of Catholics; while they regarded the new-comers as aggressors, and did not like them better, because they feared their superior intelligence, capacity for business, spirit of enterprise, and courage. We may regret the fact, but it ought not to surprise us.

This Parliament, of which Sir John Davis was appointed Speaker, met the 18th May, 1613, and was continued to 11th October, 1614.

The laws actually passed by this Irish Parliament, and in practical operation, are few.

A strong interest, however, must always attach itself to the perusal of the first chapter of the Irish Statute Book of this reign, denominated, "A most joyful and just recognition of his Majesties' lawfull, undoubted, and absolute right and title to the crown of Ireland." The language is unlike that of our modern statutes; the style is historical; and when read, it should be remembered, with solemn reflection that it was followed in a few years by the most dreadful rebellions or civil wars that ever desolated a kingdom.

Using the most fervid expressions of loyalty, the Lords Spiritual and Temporal, and the Commons, in the Parliament assembled, declare, "And thereunto we most humbly and faithfully doe submit and oblige us, our heyres, and posterities, for ever, untill the last drop of our blood be spent."

That was succeeded by the Act for the attainder of the great Earl of Tyrone, Rory, late Earl of Tyrconnel, Sir Cahir O'Dogherty, knight, and others. Then a number of old statutes, offensive to the Irish, were repealed in the lump, upon the ground, as recited, "That all the natives and inhabitants of this kingdom, without difference and distinction, were taken into his Majesty's gracious protection, and do now live under one law, as dutiful subjects of our sovereign lord

and monarch ; by means whereof, a perfect agreement is and ought to be settled between all his Maiesty's subjects in this realm."

We have then an Act for the repeal of one statute made against bringing Scots—retaining of them—marrying with them. King James could do no less for his Scotch countrymen and countrywomen. I should state, the Act so obnoxious to the Scotch was passed in the reign of Philip and Mary.

We have then an Act for a general and free pardon, elaborately drawn, and comprehensive in spirit.

It is impossible for us to contemplate the reign and the policy, the civil labours and successes, of James I. in Ireland, without admiration and gratitude. It was wise, benevolent, far-seeing, and kingly. He was a very learned man, and shows the truth of Bacon's maxim—that learned princes rule wisely.

Before we quit the reign of James I., we must notice our old friend Poynings and his law. King James having settled the constitution of Parliament in Ireland, and wishing to conform to law, and at the same time to be advised as to the manner by which, under Poynings' law, Parliaments were to be holden and managed in Ireland, consulted his judges, and was advised by them, as reported by Lord Coke in the 12th part of his Reports, in a case entitled "Parliament of Ireland." It was resolved, "That the causes and acts transmitted hither, under the great seal of Ireland, ought to be kept here in the chancery of England, and not be remanded. Second, If they be affirmed, they ought to be transcribed under the great seal, and returned into Ireland; and all that which passes the great seal ought to be enrolled here in Chancery. Third, If the Acts sent over be in any part altered or changed here, the Act so altered or changed ought forthwith to be returned under the great seal of England; but the transcript

under the great seal of Ireland, which remains in the Chancery here, shall not be amended, but the amendment shall be under the great seal of England, so as returned into Ireland without any signification or certification of their allowance by that in Ireland; so that the *amendments* and *alterations* made here in England, and all the Acts which are affirmed or altered, are returned under the great seal of England."

Thus stood the Parliamentary Constitution of Ireland until 1782, being as unlike the free Parliamentary Constitution of England as any two systems of government could well be constructed.

We can only conjecture what was the eloquence of the speakers and statesmen in the Irish Parliament from the early part to the latter end of the seventeenth century, because no debates could then be published. But, as we conclude from his writings that Bolingbroke was the foremost orator of his age, so we may judge of some of our own senators. Sir John Davis was not a dry lawyer; he was a sweet poet; his poem "Know thyself" is of a high order of merit; his compositions of an historical kind are inimitable; his law reports invaluable; his speech, when chosen Speaker, on the Origin of Parliaments, never excelled. He was a statesman with large views, and ever friendly to Ireland. After he quitted this country, he figured in the English House of Commons, and was only prevented by death from being Chief Justice of England. Although he had much in his power, he took not one acre of land in Ireland to himself. I need not speak of Ussher or of the Duke of Ormond. Sir John Clotworthy, who pursued Strafford to the death, was an able man; and while Lord Roscommon cultivated poetry with success, he did not forget politics. Sir W. Petty came over as a physician—had a turn for calculations—was placed at the head of the Court of

Claims, and feathered his nest well while attending to his duties. Scarcely any adventurer ever was more successful. Sir James Ware will never be forgotten as a scholar and antiquary. Sir John Temple, Master of the Rolls, was highly distinguished in Parliament, but not to be compared with his son Sir William,—the ambassador, author, scholar, statesman, patron of Swift, friend of King William, honoured throughout Europe.

It is highly agreeable to us to ascertain that such characters adorned our Senate, and that in former times we had men so well qualified to guide the affairs of our country.

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## CHAPTER VI.

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STATUTES and Parliamentary History in the Reign of Charles I.—Amazing Events of the Period—The Earl of Strafford, Lord Deputy of Ireland—His vigorous Administration, Character, Impeachment, and Execution—List of Grievances compiled by order of the Irish House of Commons, and laid before the Lords—The Irish Judges and Mr. Patrick Darcy—Independence of the Irish Parliament asserted—The Irish Parliament under Cromwell—Political Consistency of Irish Protestants—The Act of Settlement—The Duke of Ormond—Character of his Government—Hours of Sitting and Place of Assembly of Irish Parliament—Absurd Quarrels between Lords and Commons about Etiquette—Swift's Sarcasm on Sergeant Bettesworth.

### CHARLES I.

THE unfortunate King Charles I., who lost his head upon the block, ascended the throne of England in 1625.

The first statute passed in Ireland was in 1634, in a session which ended on the 14th of July, 1634. Thus we again perceive how many years elapse without the assembling of a Parliament in Ireland.

The statutes passed in this session were nearly all transcripts of useful English statutes, which had been long previously law in England, and were tardily introduced into Ireland.

But our attention is at once arrested and our amazement excited by the astonishing events of our history which happened at this era, and which engaged the notice of the civilized world.

Charles I. succeeded to the crown when the ideas of men touching the kingly prerogative had undergone a prodigious change: of this he seems to have been insensible. Vexed and offended by the resistance given to his proposals in the English Parliament, he conceived a repugnance to these troublesome assemblies, and tried to govern without them—with what result—after an omission to call Parliament for sixteen years—we know full well.

Into the history of the memorable Long Parliament it is not my business to enter. The greatest statesmen England ever produced, amongst them Oliver Cromwell, figured in that celebrated assembly.

There was one Sir Thomas Wentworth, created Earl of Strafford, of vast capacity, eloquence, and genius, to whom Charles confided the government of Ireland. It has been asserted by some that he ruled Ireland with a rod of iron,—the meaning of which seems to have been, that lords and commoners trembled in his presence. The Lord Deputy was at times insolent, offensive, overbearing, and despotic. But his conduct in these respects chiefly affected individuals. His capacity for government was of the highest order; he comprehended the condition of Ireland thoroughly, and overmastered difficulties which would have been to common minds insuperable. Believing the great calamity of our country was social disturbance and impunity to crime, he enforced the law everywhere against all offenders,—he terrified the guilty—gave assurance to industry—protected peaceable men—and trampled out disaffection and rebellion.

Ireland, under the strong government of Strafford, was tranquil and prosperous, as she was under Harry VIII. Her commerce increased vastly—her manufacture of linen, under the auspices of Strafford, began, grew, and flourished—her revenue was large—she paid her debts, and yet her exchequer

was full. We must admit, therefore, that as a ruler he was suited to his time, and equal to his work, and that Ireland, emerging from confusion and rebellion, could not have been intrusted to firmer hands.

The Irish Parliament was complaisant to the great man while he was powerful; they heaped praises and panegyrics upon his head; but when the popular leaders in the Commons of England impeached, and when the King deserted, his trusty counsellor, an Irish party insulted and assailed him.

The behaviour of Strafford in Ireland was charged, amidst various accusations against him by Pym, in the grand impeachment; but never did mortal man speak for another as did Strafford for himself, for his dignities, his life. The records of human eloquence contain no finer lesson. It is impossible to read his immortal defence without being touched even to tears. By the law of treason he was not guilty: a special law of attainder was enacted for his ruin, and a precedent set, too bad to follow. His enemies argued, with some plausibility, that if an offender should be proscribed who violated a particular law, ought not the great offender to be punished who violated the spirit of all law? The peers of England, to their disgrace, convicted him. The king deserted him at the last moment. He walked heroically to the scaffold—placed his head composedly on the block—repeating, as he did so, “*Put not your faith in princes.*” Another chief governor of Ireland executed for his crimes as Governor!

How awful the retribution which overtook the King! A few years later another scene in a bloody drama opened, and Charles laid his head on the block, stained by the blood of Strafford. What romance can approach in painful interest the facts of our history!

We cannot pause to investigate the prodigious consequences

which resulted in England from the overthrow of Strafford. We must limit our view to the effects produced in Ireland. Grievances were multiplied: some of them were substantial—others were inventions. We have a curious record, however, of the political, legal, and constitutional state of Ireland in a tract not often read, but well deserving the notice of the antiquarian and the lawyer.

The Irish Parliament, copying the example set by the great Parliamentary agitators in England, prepared a list of grievances; and in order to ascertain whether the practices which they asserted to prevail were in accordance with the constitution, drew up twenty-one queries, which were, by order of the Commons, and in their name, presented to the House of Lords, with a request that they should be submitted to the Irish Judges for their consideration and formal reply. The Lords did as desired; and the Irish Judges very reluctantly, in May, 1641, sent in their cautious and elaborate replies. The answers of the Judges were not relished: the Commons desired a conference, and appointed a Mr. Patrick Darcy, a lawyer, one of their body, to manage the conference on their part: he did so with signal ability—dissected the Judges (or rather their arguments), exposed their logic, denied their law, and proved, clearly enough, how imperfectly an Irish Parliament had succeeded in fixing constitutional liberty in this kingdom. I observed this curious tract amongst the books of a celebrated Chief Justice offered for sale, and secured it. The learned proprietor seems to have noted the profound arguments of Mr. Patrick Darcy; and I must avow it excels in ability the more highly-praised discourse of Molyneux in the "Case of Ireland Stated."

The whole of this proceeding, although very instructive, was unusual and unconstitutional. The Judges now would refuse to answer such questions propounded in such a man-



ner ; a pamphlet would be answered by a pamphlet ; and neither, perhaps, would be read.

Formerly a cleverly-written essay was received with great indignation. We read that within two or three years after the Darcy disputation, a treatise was written by one Sergeant Mayart, in reply to a powerful argument by Bolton, the Chancellor, asserting the independence of the Irish Parliament and its laws.

*“Harris ‘Hibernica,’ Part II., or, Two Treatises Relating to Ireland.*

Containing—“1. A declaration setting forth how, and by what means, the laws and statutes of England, from time to time, came to be of force in Ireland ; said to be written by Sir Richard Bolton, Lord Chancellor of Ireland.

“2. The answer of Sir Samuel Mayart, Serjeant-at-Law, and Second Judge of the Common Pleas in Ireland, to a book entitled, ‘A Declaration setting forth how, and by what means, the laws and statutes of England, from time to time, came to be of force in Ireland,’ concludes thus :—

“‘It is again to be remembered, that which was formerly touched in this answer, what a derogation and diminishing of the King’s authority and power, and what an alteration of his government would happen to him, if the law were not so, as is proved by this treatise ; for though the law be, that the King and Parliament in England may make laws to bind Ireland, yet his Majesty may summon Parliaments in Ireland, and have such laws made there as he and his *Councils of England and Ireland* may think fit, according to the statute of the 10th of Henry VII., and the 3rd and 4th of Philip and Mary, without relation to the Parliament of England, and as, since the making of those statutes, have been usually done. *But if the Parliament in Ireland should be refractory, and*

would not pass such laws as his Majesty should think fit for them, though they were never so profitable, honourable, and just, both for the king and them, there were no means to make them receive such laws, if the Parliament of England had not power over them ; but they refuse and reject all laws proffered to them, though never so good and wholesome for them. But the King and Parliament of England, having power over them to give them laws, if they should be obstinate, and refuse good laws, his Majesty hath thereby a lawful means to make such laws for them as shall be thought fit by him and his Parliament of England ; which power of his, by the author's opinion and discourse, would be wholly taken away from his Majesty, though, as by this treatise appears, the kings of England have always enjoyed and used the same.' ”

In this controversy, we have it broadly asserted by a very learned judge, that if the Irish Parliament should become refractory, the King and English Parliament could, and often did, overrule it. The argument made a noise, and attracted the notice of Parliament. The argument of Bolton, afterwards Lord Chancellor, on the opposite side, is very able. Whoever will study the tract by Molyneux, the Judges' answers to the queries, with Darcy's criticisms thereon, and the very learned controversy between Bolton and Mayart in Harris's *Hibernica*, will gain a fund of knowledge on this subject. Touching the pamphlet of Molyneux, it enraged the English Parliament. “The ponderous foxhunters” of the Lower House were indignant with a treatise they could not answer ; and, finding the Case of Ireland well stated, they ordered the Essay to be burned by the hands of the common hangman ! A severer punishment awaits certain pamphleteers of the present day ; their essays are not burned, but they are never read.

A Session of Parliament would, in Ireland, sometimes last only for a few days—

“Little said—soon mended;  
A subsidy granted—Parliament ended.”

Charles I. succeeded to the Crown 1625; but no Parliament in Ireland was called by him till 1635; after that, not till 1640. Some sessions were held subsequently before his death. The massacre—the civil war—the horrid confusion which well nigh dissolved society in Ireland during the contest between King and Parliament—do not belong to my subject. I would wish to say of those dreadful scenes—Let darkness hide them, oblivion bury them; and may a bright and happy future compensate for the gloom and misery of the past.

Cromwell's government of Ireland deserves particular attention; it forms an epoch in the constitutional history of our country. When he had waded through slaughter to a throne, and trampled down all opposition in Ireland, he had to consider how he was to rule the empire he had usurped. His capacity for government was of the highest order: he decided on having one Parliament, and one only, as he had reduced the state to one commonwealth. He does not seem to have comprehended the possibility of governing three kingdoms by three independent Parliaments; therefore, as his instrument of government, one Parliament was summoned, in 1654, to meet in Westminster, for the three kingdoms; the number of members allotted to Scotland being twenty-one, and to Ireland thirty. I do not find any Representative Peers. Considering the ruined and depopulated condition of Ireland at the period, it does not appear to have been unfairly represented. We have, therefore, the indisputable fact that the three kingdoms were united in 1654,

and that one Legislature represented them during a considerable part of the two Protectorates of Oliver and Richard Cromwell, in one Parliament, till near the Restoration—a curious and significant fact, quite overlooked in our Parliamentary history, but consistent with, I believe, an early practice. I found the list of names of the gentlemen who represented Ireland in Cromwell's Imperial Parliament in the Appendix to the second volume of the work so full of interest by Lord Mountmorres; and on searching for the member for Fermanagh, discovered the name of my friend, John Cole, then a Colonel. He has only this day changed from the County to the ancient and loyal borough of Enniskillen. If it be the same individual who has been sitting ever since, the longevity of members of the Irish Parliament exceeds my expectations. I apprehend, however, my friend is another John Cole, of the same race, spirit, honour, and courage of the best of his ancestors. The Irish Protestants are shown, by such a fact as the one I have mentioned, to adhere to old friends and old principles with more consistency and a higher political morality than any other people on the face of the earth.

The principle and policy of a union of the three kingdoms were thus exemplified by Oliver Cromwell's legislation.

After the Restoration, that is, in the year 1661, 8th May, a Parliament was called by Charles II. in Ireland. The great business of the Parliament and Government was to carry the national measure called the Act of Settlement, essential to the tranquillity of Ireland, and afterwards to maintain it by the Act of Explanation.

I remark, that from the beginning of this delicate affair, it was felt that the real power lay in England, because, on the 30th June, at a conference, the House of Commons made a proposition for sending Commissioners to England, to represent the

desires of Parliament, and prevent private solicitations about the Act of Settlement. This proposition was agreed to.

There was but little done during the first session of the Irish Senate. Our legislators, however, expressed, in fitting terms, their gratitude to the restored monarch for the re-appointment of the Duke of Ormond as Lord Lieutenant. The history of Ireland for nigh half a century may be read in the life, actions, and adventures of this able, virtuous, and illustrious man. His chivalrous courage, his unflinching loyalty, his disinterested patriotism, mark him out as one of the foremost men of his noble family, and as one of the finest characters of his age. Ireland never produced a nobleman to whom the Duke of Ormond was second; and his varied, strange, romantic adventures, as well as his famous actions, are interwoven with the history of his country.

The Parliament which met in Dublin on the 17th April, 1662, sat till 13th April, 1663. The great work they had to do was to confirm possessions, and settle the land question, if they could. It was a difficult, painful, and laborious undertaking, chiefly carried on by an able English lawyer, Sir Heneage Finch, afterwards Chancellor, and Lord Nottingham. Carte, in his *Life of the Duke of Ormond*, states a political fact of much importance, touching this great transaction of the Act of Settlement of the lands in Ireland—namely, that it was hotly debated, in the Council of England, whether the settlement of Ireland should be transacted by the English or by the Irish Parliament. Finch (father of equity) was in favour of the Irish Parliament, assigning, as *his* reason, that if they did the business in England, the laws of the English Parliament would only be binding by sufferance, and valid by adoption, in Ireland. He prevailed; but the fact that it was proposed by high officials, who stoutly argued that the greatest business Ireland ever had to do should

be transacted, not in Ireland, by the Irish Parliament, but in England, and by the English Parliament—proves the kind of equivocal authority assigned to our provincial Senate. I ought to add, that the Parliament of Ireland, in grateful recollection of the labours of Sir Heneage Finch, voted him the thanks of the House (no man ever deserved them better), for “carrying on the great work of the kingdom;” for so the Act of Settlement was emphatically called.

The hours of sitting and the place of assembly of our Irish Senate should be mentioned. The House preferred summer to winter; they met at nine in the morning, and sat till night twelve, when they adjourned for dinner; and if business required it, they met again in the afternoon. With regard to the places of meeting—the Parliaments of Elizabeth, James I., and Charles I., assembled in rooms prepared for the purpose in the Castle of Dublin. In 1641, our noble senators sat in the Tholsel, with an occasional meeting in the Custom House. We can reckon 276 members in 1666. From the Restoration to 1725, they sat in Chichester House, which was on the site of the existing edifice. But while the present noble fabric, now humbled into a Bank, was erecting on the site of Chichester House, our erratic Parliament had to take refuge in the Blue-coat Hospital (a fine building), and there, in two great rooms, they nestled in 1731. I find it stated that one of the members of the House, Sir Edward Piers, was the architect of the old Parliament House. I hope he was an Irishman, because there is not a building superior to his work in Europe. There are accounts which show that more than £100,000 was spent on the edifice.

Independently of the Acts of Settlement and Explanation, we had some useful and fundamental English Acts introduced and adopted here—as the Act for Abolition of Feudal Tenures,

and the Act of Uniformity. During nearly thirty years no new law was passed: for a sufficient reason—there was no Parliament to pass them. Parliament was dissolved by what was called the fatal dissolution in 1666; and was never again summoned till after the Revolution, in 1692. Parliamentary government in Ireland, therefore, during this long interval, was *in nubibus*, not *in terris*.

What respect could the Government have had for such an institution? What confidence could the public have reposed in the members, or in their public spirit, when, for more than a quarter of a century, they were unseen, unheard, unnoticed? The fact is, there was no investigation of public accounts till after the Revolution, and the revenue was nearly stationary.

The cause of this long Parliamentary slumber is something so absurd as to make me blush to describe it. It arose from a contemptible squabble between the two Houses on points of idle etiquette and worthless ceremony. Conferences were common between the two Houses, it appears, about heads of Bills and other matters; and the wiseacres in the Commons fell to fighting with the wise heads in the Lords about sitting down, standing up—the place for the Commons to approach—whether the Peers should be allowed to sit covered, while the Commons were to be obliged to stand uncovered. It is astounding to read of such folly and vanity in grown men. In the time of Lord Strafford, he got the stupid quarrel adjusted, by inducing the members to submit to the usage of the English Parliament, with which, as an old member of it he was well acquainted. The great Duke of Ormond, in 1666, tried to compose the dispute, while he decided that the Lords should sit covered, and the Commons stand uncovered. He besought them to agree and adopt the English practice. But no! agree they would not, nor yield, nor work;

so, on the 7th of August in that year, the wise Duke sent them about their business by a formal dissolution; and as nobody cared to see the faces of such obstinate boobies again, the nation which tolerated such representatives never got the opportunity of re-electing them.

In the later disputes, a vulgar lawyer, one Sergeant Bettsworth, instigated the Commons to persist in the idle quarrel about the empty dignity of the House of Peers. He was afterwards extinguished by the sarcasm of Swift—

“ So at the bar the booby Bettsworth,  
Whom half-a-crown o’erpays his sweat’s worth,  
Who knows in law nor text nor margent,  
Calls Singleton his brother Sergeant.”

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## CHAPTER VII.

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THE Parliament of James II.—Archbishop King—Contrast between the Irish and Scotch, in their conduct towards the Stuarts—Lord Plunket's Character of William III.—Letter from Archbishop King upon the Union—William's Legislation not favourable to the Commerce of Ireland—Sketch of Swift's Influence on Irish Politics—Sir W. Scott's Opinion of the Political Condition of Ireland—The Drapier's Letters—Lord Carteret—Swift's Audacity—Mock Execution of Wood—Swift's Interview with Walpole—The Legion Club—Character of Primate Boulter—Bishop Berkeley—His Character as a Churchman and Scholar—His Maxims—Parnel, the Poet—Learning of the Church Clergy—Swift's Sermon on Patriotism—Public Spirit essential to the Prosperity of a Nation.

### JAMES II.—WILLIAM—ANNE.

THE Parliament of James II. was an infamous assembly, because it had no sense of justice. To fight for their king, bad as he was, we can understand; but to fight for the restoration of proscription and tyranny is incompatible with the love of freedom. James called a Parliament; and he and they acted in open violation of Poynings' law; therefore, unless sanctioned by success, all their acts were illegal. Macaulay has described this odious assembly in terms not severer than it deserves. The House of Lords, when summoned by James, consisted of one hundred lay peers: of these, fourteen only obeyed the summons, amongst whom might be reckoned four Protestants. By various devices, and by new creations, seventeen additional lay peers were made up; amongst them was not one Protestant. Four of the

bishops attended. Tyrconnel packed the Commons with his creatures to the number of two hundred and fifty, scarcely any of the Protestant religion being amongst them. There were no materials for debate, even had there been ability and learning in the House, because there was little room for difference of opinion. The Parliament of James met in May, 1689, where the Four Courts now stand, on which then stood a building devoted to the law, called the King's Inns. These men were so insane as to repeal the Act of Settlement. Then an Act of Attainder, affecting three thousand innocent persons, was passed—the iniquity of which could only be exceeded by its folly. Their properties were confiscated, and they were to be hanged, drawn, and quartered, unless they appeared by a given day; and it was made impossible that they should so appear, because the sentence pronounced upon them was concealed as well as their names.

This unjust Parliament, which King James packed through Tyrconnell's arts, sat from 7th May till 20th June, and during that period continued to perpetrate more acts of injustice and oppression than had ever been committed in the same space of time by any legislative assembly in the world. The particulars of the proceedings of this preposterous assembly are given more fully by Archbishop King, in his book entitled, "The State of the Protestants of Ireland under the late King James's Government," than in any history with which I am acquainted. We are thunderstruck in reading the list of persons attainted and deprived of their estates, for no crime whatever, save that they were Protestants. I agree in the words of King:—"Perhaps it was never equalled in any nation, since the time of the proscriptions in Rome. And not then either, for here is more than half as many condemned in the small kingdom of Ireland, as was at that time proscribed in the greatest part of the

then known world. Yet that was esteemed an unparalleled cruelty." A great body of instructive matter is collected in the volume I have referred to; and especially worth reading is the speech of Dr. Dopping, Bishop of Meath, in the appendix, spoken manfully in the Lords, against the repeal of the Act of Settlement.

The infamous manner in which the University was treated, need not be mentioned. To the honour of that body, it should be stated, that although their property was seized and their College invaded, they could not be intimidated.

Nor was James just to his Roman Catholic subjects, who had risked everything to restore him to the throne. He even impeached their courage at the Boyne, and falsely; but he provoked the retort of Captain O'Regan, a brave Irish officer, who had witnessed the heroism of William and the poltroonery of James, and who answered, "Please your Majesty, if we could exchange kings, we would fight the battle over again." Surely, when you admit the gallantry with which the followers of King James fought at Aughrim, Limerick, and the Boyne, the heroism displayed at Londonderry and Enniskillen will never be forgotten by the Protestants of Ireland. No modern romance equals in exciting interest the tale of the siege of Derry by Lord Macaulay. We seem to behold the livid cheeks of the besieged worn by famine and sickness, but undismayed. We almost hear their hoarse shouts of joy when their brave countryman, Micaiah Browning, burst the boom, and gave, while he heroically perished, life and deliverance to his exhausted but undaunted countrymen.

We may conceive what a Sabbath-day was the 6th July, 1690, when William rode in state to St. Patrick's, and, with the crown on his head, returned public thanks to God for victory. The magistrates attended. The Archbishop (King)

preached, with fervid eloquence, on such a theme as preacher seldom had before—the deliverance of a nation. Had we lived then, we too would have decked ourselves in holiday attire, and swelled the choir with loud songs of praise and thanksgiving.

It has been remarked how different the feeling with which the conflict waged in Ireland and in Scotland, for the Stuarts, has been regarded. The Scotch, to-day, boast that they nearly won back the crown for “Charlie.” They forgave the despotic acts of James in the person of his descendant. The Stuarts were their own: the House of Hanover they knew not. Last autumn I witnessed the martial dances and games, and heard the national music of the Highlanders, within a few miles of the field of Culloden, where their forefathers had fought in vain for Charlie; and in the same district, this day, many descendants of the old families boast how their ancestors risked all for the Stuart. Sweet voices may still be heard to sing—

“Charlie is my darling, my darling, my darling,  
Charlie is my darling, the young Chevalier;  
And as he marched up the streets,  
The pipes played loud and clear,  
‘Charlie is my darling, the young Chevalier.’”

So difficult is it in these islands to dethrone a king—so difficult to dispossess the hereditary monarch. The difference of feeling arises from the different circumstances which, unhappily for us, existed in the two countries. The national element prevailed in Scotland; the religious element prevailed in Ireland. The efforts of the Scotch, in 1715 and 1745, to expel the family on the throne and restore the Stuarts, sprung from their love of monarchy, and from loyalty to the ancient race of their kings. The efforts of the Irish were directed to establish the supremacy of their reli-

gion, and to recover the lands which had been wrested from their forefathers. They cared little in the abstract for the Stuarts.

Reason prevails at last over prejudice, and but one voice can now be heard alike from the victor and the vanquished, of loyalty to the throne, and devotion to the person of the gracious Sovereign who adorns it.

The character of William has been painted by Macaulay in colours almost too bright: it has been drawn by Miss Strickland in colours too dark. The brilliant Whig worships his hero: the fair advocate of despotic rulers looks coldly on the ungracious and ungrateful little Dutchman, who gained a crown, but who had "no regard for Christian civilization of any kind."

According to the convictions of all that are good and wise in the nation, the Revolution—however to be regretted as a Revolution—established justice and imparted freedom. According to Miss Strickland, it effected neither of these things. But no candid inquirer can well believe that William on the throne, and Hale on the judgment-seat, can suffer by comparison with the tyrannic bigot, James, and his unjust judge, the blood-stained Jeffreys.

In reading history, we should inquire, before we begin the book, the bent of the writer's mind, and make allowance accordingly for the author's prejudices. A character of William was sketched by Lord Plunket, in the Bottle Conspiracy case, which seems to me to be drawn with a happy impartiality:—

"Perhaps, my lords, there is not to be found in the annals of history, a character more truly great than that of William the Third. Perhaps no person has ever appeared on the theatre of the world who has conferred more essential or more lasting benefits on mankind—on these countries, cer-

tainly none. When I look at the abstract merits of his character, and contemplate him with admiration and reverence,—lord of a petty principality; destitute of all resources but those with which nature had endowed him; regarded with jealousy and envy by those whose battles he fought; thwarted in all his counsels; embarrassed in all his movements; deserted in his most critical enterprises—he continued to mould all those discordant materials—to govern all those warring interests; and merely by the force of his genius, the ascendancy of his integrity, and the unmoveable firmness and constancy of his nature, to combine them into an indissoluble alliance against the schemes of despotism and universal domination of the most powerful monarch in Europe, seconded by the ablest generals, at the head of the bravest and best-disciplined armies in the world, and wielding, without check or control, the unlimited resources of his empire. He was not a consummate general; military men will point out his errors; in that respect fortune did not favour him, save by throwing the lustre of adversity over all his virtues. He sustained defeat after defeat, but always rose *adversis rerum immersabilis undis*. Looking merely at his shining qualities and achievements, I admire him as I do a Scipio, a Regulus, a Fabius; a model of tranquil courage, undeviating probity, and armed with a resoluteness and constancy in the cause of truth and freedom which rendered him superior to the accidents that control the fate of ordinary men.”

It has been made matter of surprise, that when William conquered King James, and had Ireland at his feet, he did not imitate the policy of Cromwell, and incorporate the Parliaments of the two kingdoms into one.

That the idea of a union was then broached amongst political men is certain. Amongst the MS. letters of the Arch-

bishop of Dublin, King, (then Bishop of Derry,) preserved in the Library of our University, I found, by the kind assistance of my friend Dr. Dixon, a letter from the Archbishop, dated 14th Nov., 1699, to Sir K. Southwell, who was Secretary of State for Ireland at the time. The letter is curious, and I select one passage relevant to this matter. It is highly probable that there was a copious correspondence upon the same subject amongst the statesmen of the time.

*“ The Bishop of Derry to Sir Robert Southwell.*

*“ L. Derry, Nov. 14, 1699.*

“ RT. HONBLE,—

“ As to the business of an union, I have thou’t much on it, and believe it is the interest of England much more than of Ireland. Our business is to keep immediately and solely under the King for many good reasons, particularly those given by Malvezzion, Jactus, and by Sir Walter Raleigh, b. v., ch. 2, sec. 2. And God forbid it should ever be otherwise. But if it must be, that Ireland must be subject to a Parliament in England, certainly we ought to have some that may speak for us and represent our case, when there is occasion. This ought to be done by mutual consent, and not by force; and in order to it, the first thing to be agreed on ought to be, what immunities Ireland should enjoy. And these ou’t to be fundamental. And the next, what proportion of tax it shou’d bear. I suppose that merchandize ought to bear the same in both; and as to land taxes, a certain rate ou’t to be fixed, and not be altered, otherwise one Act may ruin all the estates of Ireland. If these be settled as immutable, the number of representatives need not make any great dispute; for it is not so much for their votes that they must sit there, as for their being necessary to giving an account of affairs relating to Ireland, on which

head they always expect to be favourably heard, as every member is when he speaks about his shire or burrow. His Majesty and Ireland must both be losers by such an union ; but considering how our laws and priviledges are crampt, and how unable we are to obtain or pass our laws that are really for our good, I believe many in Ireland would readily hearken to such a proposal.

“ W. D.

“ To Sir Robert Southwell, London.”

We must ever feel grateful to William, precisely on the ground taken by Plunket, that he conquered Ireland into freedom and happiness. We must also acknowledge that several useful English statutes were, during his reign, adopted by the Irish Parliament, and one or two useful original measures carried, peculiar to this country.

But it would not be true to assert, that the legislation of King William's government was favourable to the commercial or manufacturing interests of Ireland. On the contrary, it was highly prejudicial to those interests. Nor is it a sufficient excuse for intolerant and mischievous legislation, that the science of political economy was not understood in those days—that a Whately had not arisen. The laws I refer to were plainly passed to depress the manufacturing interests of Ireland, in the hope of promoting those of England. Nor did the ministers of William evince the least desire to enlarge the powers of our Parliament, or render it influential. On the contrary, they summoned our Parliament as seldom as possible, took the subsidy, repressed its feeble attempts to assert privilege, and dismissed it when no longer required. The idea seems to have been to provincialize Ireland thoroughly, and the opportunity was favourable.

Men's thoughts were occupied with their late deliverance. Indifferent poets composed songs in praise of William, when



they should rather have asserted their country's rights, and checked legislation. Arbitrary and mischievous, the House of Commons had not sufficient spirit to oppose the bill of a Lord Deputy, and the depressed nation had to look elsewhere for their deliverance.

To comprehend the real condition of Ireland from the Revolution to the middle of the last century—of her Church and her Government—her independent Parliament, and its influence on her fortunes—we must look into the writings and the conduct of others than her Parliament men. The legislation consequent upon the Revolution, whether from ignorance of political economy or from prejudice, was highly unfavourable to the commercial and manufacturing interests of Ireland. Torn by civil dissensions, and ravaged by war, Ireland lay prostrate at the feet of England. A light dawned on the land when Jonathan Swift was obliged to accept the Deanery of St. Patrick's. Had three men like Swift appeared in succession amongst us, the whole system of local misgovernment must have ceased. England and Ireland, with mutual respect, would have been linked together by the strong bonds of interest and affection. Swift wrote politics; but where had he learned the rare and difficult art? Why was he so successful—why so powerful—why so popular in Ireland—for he was without money, or lands, or rich preferment? Swift, by his original genius and admirable tact—by his clear style of composition—by his unequalled sarcasm—and by his irony irresistible—covered the enemies of Ireland with confusion and dismay. He was neither to be frightened nor corrupted. He had been secretary to Sir W. Temple, an accomplished scholar and distinguished statesman. He had conversed with all the wits of his age—sat in the same club with Pope. Gay, Arbuthnot, Tickell, and Addison, had been his friends. The brilliant Bolingbroke loved him—the

sagacious Walpole admired and feared him—Lord Oxford felt towards him all the fervour of affection.

Swift had sat in closest conference with men who ruled the kingdom—had dined with William III.—discovered how the Dutchman eat asparagus—tried to convince his Majesty that a bill for triennial Parliaments should be carried; and I rejoice, for the memory of William, failed, but failed gloriously; for William offered to make him a captain of dragoons on the spot. Had he accepted, he would not have been Dean of St. Patrick's, but might have been a second Cromwell. Acquainted thoroughly with politics, skilled in composition, respected by all the distinguished men of his time, Swift found himself, against his inclination, doomed to be Dean of St. Patrick's, while many a quiet blockhead was elevated to the episcopal bench.

When Swift arrived in Dublin he found the public spirit of the nation quenched, the Parliament impotent, the people prostrate and wretched, and Ireland ruled by a clique called a Privy Council, which overruled alike the proposals of the Parliament, and the wishes of the people. What says Sir W. Scott, a high monarchy man, of the political condition of Ireland at that gloomy time?

“Within the last thirty years, repeated and oppressive steps had been taken to reduce this ancient kingdom, though still retaining the outward insignia of national legislation and sovereignty, into the condition of a conquered province, bound by the Acts of the British Parliament, where she had neither friend, patron, nor representative. The aphorism that Ireland was, and ought to be, dependent on Britain in this servile sense, had not only been loudly pronounced with a denunciation of vengeance against those who should dare to deny it, but it had been already acted upon. Ireland was subject to a commercial slavery, which left neither her credit,

her commodities, nor her havens, at her own disposal; and how long the civil and domestic freedom of her people might be spared, was a question which seemed to depend on the moderation of those who usurped the right of being her legislators. Such was the condition of the kingdom when Wood's Scheme was brought forward—a measure, therefore, of far less importance in its real merit, than as it necessarily involved the grand question of the servitude or independence of Ireland.”

I agree in every word written by Scott. I thank him for his honesty. Of course, in the Dublin clique there was no match to be found for Swift in the great art of political writing. He speedily found and seized his opportunity of addressing and awakening the sense and spirit of his slumbering countrymen. A patent had been granted to one Wood, a brazier in England, to coin copper coin to be introduced into Ireland. This was managed without any reference to the Parliament or authorities in Ireland, or without any regard to the interests of the people. Swift published a series of letters, under the signature of the “Drapier,” in which he attacked, with merciless ability, the patent of Wood, and exhorted every man, woman, and child in the kingdom to refuse Wood's halfpence. They did as the caustic Dean desired. A flame of agitation was raised throughout the city and kingdom, which the publication of each successive letter increased and diffused. In vain the ministers declared that the copper coin was good; in vain they prosecuted the printer and threatened Swift; the national spirit was roused, and it was irresistible.

The clique to whom the government of Ireland was intrusted, headed by Primate Boulter, were furious, but impotent.

The fourth letter, with amazing tact, changed the contro-

versy from the value of Wood's halfpence into an examination, bitterly conducted by the master of irony, of the way in which the government of Ireland was carried on, as to her social and political condition. This was very alarming, because, if permitted to be indulged further, the people, awakened from sleep, might demand their rights. Accordingly, a prosecution was resolved on. A proclamation offered £300 reward for the discovery of the author, whom every body knew to be Swift. Chief Justice Whitshed (whom Swift afterwards pursued to the death) was particularly incensed by the following passage, and it was sufficiently provocative:—"The remedy is wholly in your own hands, and therefore I have digressed a little, in order to refresh and continue that spirit so seasonably raised among you, and to let you see that by the laws of *God*, of *nature*, of *nations*, and of your *country*, you *are*, and *ought* to be, as *free* a people as your brethren in England." When I said there was no match for Swift in the Irish Council, I meant to have made an exception in favour of the Lord Lieutenant, Lord Carteret. This nobleman was polite, accomplished, witty, and quick, an admirable scholar, and secretly an admirer of Swift. To get Lord Carteret out of England as a troublesome rival, Walpole, it is said, enjoyed the refined revenge of sending him to Ireland, hoping to reduce his popularity by making him the instrument of carrying unpopular measures, and chief amongst them, the scheme of Wood, and his copper coin. One man of talent always respects another, and accordingly Swift admired Carteret, and thought him above his work. The audacity of Swift was equal to his ability. He went to a levee at the Castle, pushed through the courtiers, stood before the Lord Lieutenant unabashed, and in a firm voice demanded why he persecuted a poor printer for publishing letters which were calculated to do good to his country. Lord

Carteret, with ready wit and happy scholarship, replied—  
“*Res dura, et regni novitas, me talia cogunt moliri.*”

Swift and the Lord Lieutenant became good friends, each relishing the humour of the other. The State prosecution proceeded, the Chief Justice was intemperate, and Swift pommelled him into a legal mummy. With inimitable tact, Swift addressed his “Seasonable Advice” to the Grand Jury, exhorting them to remember the story of the bargain made by the wolves with the sheep, on condition that they would send away the mastiffs, after which the wolves ate the sheep; and as verse or prose were equally facile to the Dean, he fired off a few pungent lines :—

“If, then, oppression has not quite subdued  
At once your prudence and your gratitude;  
If you yourselves conspire not your undoing,  
And won’t deserve, and won’t draw down your ruin;  
If yet to virtue you have some pretence;  
If yet you are not lost to common sense,  
Assist your patriot in your own defence.  
That stupid cant—he went too far—despise,  
And know, that to be brave, is to be wise :  
Think how he struggled for your liberty,  
And give him freedom, whilst yourselves are free.”

The Chief Justice did all his malignity could suggest. The Grand Jury remembered what Swift said, and forgot all the Chief Justice said, in which they showed great good sense; the bills were ignored, and Swift remained master of the situation, and the most popular man in Ireland. The first thing he did was to despatch the Chief Justice, which he did with all convenient speed. The next thing he got up was a mock execution of Wood, so inimitable in point of humour, and so likely to catch the people, that I must give you a touch of its quality.

A FULL AND TRUE ACCOUNT  
OF THE  
SOLEMN PROCESSION TO THE GALLOWS,  
AT THE  
EXECUTION OF WILLIAM WOOD, ESQ., AND  
HARDWAREMAN.

WRITTEN IN THE YEAR 1724.

Some time ago, upon a report spread, that William Wood, hardwareman, was concealed in his brother-in-law's house here in Dublin, a great number of people of different conditions, and of both sexes, crowded about the door, determinately bent to take revenge upon him as a coiner and a counterfeiter.

The people cried out to have him delivered into their hands.

*Says the Cook* . . . I'll baste him.

*Second Cook* . . . I'll give him his bellyfull.

*Third Cook* . . . I'll give him a lick in the chops.

*Fourth Cook* . . . I'll souse him.

*Drunken Man* . . . I'll beat him as long as I can stand.

*Bookseller* . . . I'll turn over a new leaf with him.

*Coiner* . . . I'll give him a rap.

*Whig* . . . Down with him.

*Tory* . . . Up with him.

*Farmer* . . . I'll thrash him.

*Tobacconist* . . . I'll make him smoak.

*Butcher* . . . I'll have a limb of him.

*Second Butcher* . . . Let us blow him up.

*Third Butcher* . . . My knife is in him.

But at last, the people having received assurances that William Wood was neither in the house nor kingdom, appointed certain commissioners, to hang him in effigy. . . .

It was impossible to withstand humour like Swift's. But it was not merely by his wit that Swift tried to save his unfortunate country. He beheld her condition, felt indignant at her treatment, and strove for her amelioration. The people comprehended Swift, and adored him to the last.

We find the Dean in London; he is asked to dinner by the politic Prime Minister, Sir Robert Walpole; after having dined with him, Swift asks an interview with the Minister on business. We have, in the faithful biography of the Dean by Sir W. Scott, a true account of the memorable interview, and its results:—

“The Dean stated at length the grievances of Ireland, being all that could contribute to render a nation poor and despicable: the nation being controlled by laws to which her Legislature did not consent [so much for the Parliament]; their manufactures interdicted, to favour those of England; their trade cramped and ruined by prohibitions; the natives studiously excluded from all places of honour, trust, or profit; while the conduct of those to whom the government was delegated lay under no other check than might arise from their own sense of justice. But Walpole was prepossessed against any statement of the affairs of Ireland that might come from Swift. Ere the Dean had left the kingdom, the Primate Boulter, to whom Walpole chiefly confided the efficient power in Irish affairs, had written to warn him not to give credit to Swift’s ‘endeavours to misrepresent his Majesty’s friends in Ireland, wherever he finds an opportunity.’ Thus prepossessed against all that might come from the author of the *Drapier’s Letters*, Walpole turned a deaf ear to the grievances of Ireland, saying that the King derived little revenue from that kingdom, and proceeded to enlarge upon the opinions he had adopted from its governors, in a manner which did not agree with Swift’s notions of liberty, and he and the Minister parted with mutual civility, neither having made the smallest impression on the other.”

The narrative is truthful, but depressing, for if Swift could not convince a British Minister, who could hope to succeed?

Lastly, our Irish Parliament provoked him by a direct

attack upon the property of the Church, in abolishing agistment tithe, while doing nothing useful to the country. He satirized the whole House of Commons, in a poem entitled the Legion Club :—

LEGION CLUB. 1735.

As I stroll the city, oft I  
 See a building large and lofty,  
 Not a bowshot from the College,  
 Half the globe from sense and knowledge—  
 Tell us what the pile contains :  
 Many a head that holds no brains.  
 These demoniacs let me dub  
 With the name of Legion Club.  
 Such assemblies, you might swear,  
 Meet when butchers bait a bear ;  
 Such a noise, and such haranguing,  
 When a brother thief is hanging.  
 Come, assist me, Muse obedient ;  
 Let us try some new expedient ;  
 Shift the scene for half an hour—  
 Time and place are in thy power :  
 Thither, gentle Muse, conduct me ;  
 I shall ask, and you instruct me.  
 See, the Muse unbars the gate :  
 Hark, the monkeys, how they prate !  
 — In the porch Briareus stands,  
 Shows a bribe in all his hands ;  
 Briareus, the Secretary,  
 But we mortals call him Carey.  
 When the rogues their country fleece,  
 They may hope for pence apiece.

It is plain Swift had a very poor opinion of this assembly ; and it does not appear that his judgment was erroneous. A public-spirited Parliament would never have tolerated the commercial legislation imposed upon Ireland ; a patriotic Parliament would never have submitted to the administration



of a Primate Boulter. Had there been a few in the Irish Parliament possessed of the originality, energy, honesty, and capacity of Swift, the management of political affairs, and the true interests of the country, would have speedily been improved, instead of being shamefully neglected. Swift created a public opinion; Swift inspired hope and courage, and a spirit of justifiable resistance in the people; Swift taught Irishmen they had a country to love, to raise, and to cherish. No man who recals the affectionate respect paid by his countrymen to Swift while he lived—to his memory when dead—can impute political ingratitude to be amongst the vices of the Irish people.

I have spoken of Primate Boulter and his hatred of Swift. Our survey of the state of Ireland, political and parliamentary, at this period, would be incomplete without noticing the chief person, for several years, in the local government of Ireland. Two volumes have been published, entitled "Letters written by his Excellency, Hugh Boulter, Lord Primate of all Ireland;" and in the preface it is stated "that these letters are, and in all probability will ever remain, the most authentic history of Ireland for that space of time in which they were written."

The polite Chesterfield laid down a maxim, that it was surprising with how little wisdom a nation could be governed. It may be more surprising to find that a kingdom can be governed without any wisdom whatever. Primate Boulter, as the confidential agent of Walpole, ruled Ireland, not in the spirit of a statesman, but in the spirit of a jobber, and of the worst description, an ecclesiastical jobber. His candid letters prove he had a narrow, illiberal mind, little learning, less piety, no generosity, no love for the country he ruled and abused, and no admiration for the genius of her most distinguished sons. He passed his time, not in study or contem-

plation, but in watching the faces of his brethren on the episcopal bench. If he heard a cough from the Archbishop of Dublin, Dr. King, he immediately informed the Secretary of State in London of the important fact, adding—"There may be occasion for speedily thinking of a successor for him. If it please God to remove him, your Excellency shall have my thoughts by the first opportunity." And what were these precious thoughts? Why, that *no native* should be allowed to fill the place! "My Lord Chancellor and I have been computing that if some person be not now brought over from England to the Bench, there will be thirteen Irish to nine English bishops here, which we think will be a dangerous situation."

Again:—"We think it of great consequence that it should be given to an Englishman. I am sorry the Lord Lieutenant should insist so much for one who is as dangerous an Irishman as any on the Bench."

His Grace of Dublin does not die: another despatch to the Archbishop of Canterbury. "His Grace of Dublin has been very ill, but seems now to have got over the present shock. I wish his place may be well filled, whenever it pleases God to remove him."

Again:—"I must acquaint your Lordship that the Bishop of Elphin is an enterprising man, and I do not doubt, if promoted, he would soon set himself at the head of the Irish interest here." The same base policy is repeated over and over again (*usque ad nauseam*), from the beginning to the end of the book. No disquisition on fitness, on the piety of the candidate, on learning or eloquence, on the true interests of the Church, or of the Christian religion. The only idea expressed is—"If he drops, I request his place may be supplied from England, to strengthen the English interest here. It is absolutely necessary that the place should be bestowed on a

native of England.” As of the Church, so of the law. The Chief Justice Whitshed drops—Primate Boulter pronounces a panegyric on his friend—hints he was cut down by a storm of malice ; *i.e.*, Swift’s prosecution—hopes his place, and the place of Chief Justice of the Common Pleas, may be filled from England. This he relies on as a main point to be established, and also that every other vacancy in the same post should be so supplied from England. The Primate does not conceal his aversion for Swift, and for Archbishop King, a native. When the Primate touches on the Irish Parliament and its powers, we are edified :—

“It is possible some discontented people may endeavour to bring the affair into Parliament, and make some reflecting votes on the Council here, which, by our constitution, has a power to check the proceedings of both Lords and Commons. I think they will not be able to carry any vote on that point ; but if they do, I am sure the only check here on their heat at any time will be taken away, except his Majesty is pleased to support the Council.” •

The Primate again shows up the *Irish Parliament* :—

“I am afraid the weight and power of the Privy Council is not sufficiently understood in England, which makes me beg leave to acquaint your Grace, that the approving or rejecting of the magistrates of all the considerable towns in this kingdom is in the Council here ; and that as the correcting or rejecting of any bills from either House of Parliament is in them, if they are increased much more, the Privy Council of England may have more trouble from a Session of Parliament here than they have at present. I can assure your Grace, the English interest was much stronger at the Board four years ago than it is now. I must, at the least, beg the favour that no addition be made to the Council here, till my Lord Chancellor and I are acquainted who are designed to be

added, and have time to give our sentiments about them ; though it will be less invidious to make no addition at all."

It is no less painful than humiliating to the Irish inquirer into the Parliamentary constitution of his country, to read the above-mentioned letter so soon after the glorious Revolution. Let it be recollected we are informed in the preface these letters contain the true history of Ireland for the period they cover. His view of the importance of Ireland and its affairs to Englishmen and the rest of mankind, may be gathered from a sentence in a letter to the Bishop of London :—

"Your Lordship is in the busy scene of life, and I in a kingdom where little happens worth communicating to any abroad : and I must own as nothing but a disturbance can make room for affairs of consequence passing here, I most heartily wish we may still continue of as little concern to others as we are at present."

This may shock our national pride, but we must bear it.

In wading through these instructive epistles, I came upon a reference to the appointment of Berkeley to the bishopric of Cloyne. "As to a successor to the bishoprick of Cloyne, my Lord Lieutenant looks upon it as settled in England that Dean Berkeley is to be made Bishop here on the first occasion. I have therefore nothing to say on that head, but that I wish the Dean's promotion may answer the expectation of his friends in England."

I collect from the above passage that the appointment of Berkeley was effected against the Primate's wishes, Berkeley being a native, and that it was managed in England.

Who was Berkeley, whose illustrious name I am thus compelled to mention in conjunction with Boulter? The acutest of thinkers—to be classed amongst the profoundest of philosophers—amongst the best of men. The additions Berkeley

made to the stock of human knowledge were brilliant and important. His learning, fancy, and taste have been confessed by all; and the critics said he was well qualified to promote the re-union of philosophy and of the fine arts, so essential to both. Berkeley was admired by every man of genius in England; he was the intimate friend of Steele, of Addison, of Swift. By Pope he was beloved: he, I fear a sceptic, gave "*to Berkeley every virtue under heaven.*" Adam Smith pronounced the "new theory of vision" to be one of the finest examples of philosophic analysis that is to be found in our own or any other language. There cannot be a doubt that Burke stored his mind with the ideas of Berkeley, and enriched his thoughts with the fine philosophy of our distinguished countryman.

But it is not with his renown as a philosophical discoverer, that I am now so much concerned, as with his political writings.

Berkeley held the same theory of government with Swift, and, like him, laboured to raise and civilize the country of his birth. Hear the words of the Christian patriot:—

"Public spirit, that glorious principle of all that is great and good, is so far from being cherished or encouraged, that it is become ridiculous in this enlightened age, which is taught to laugh at everything that is serious as well as sacred."

On the eve of any session of Parliament, these words might be addressed to every member of the Senate:—

"Concord and union among ourselves is rather to be hoped for as an effect of public spirit than proposed as a means to promote it. Candid, generous men, who are true lovers of their country, can never be enemies to one half of their countrymen, or carry their resentments so far as to ruin the public for the sake of a party. Now I have fallen upon the mention of our parties. I shall beg leave to insert a remark or two,

for the service both of Whig and Tory, without entering into their respective merits. First, it is impossible for either party to ruin the other, without involving themselves and their posterity in the same ruin. Secondly, it is very feasible for either party to get the better of the other, if they could first get better of themselves; and instead of indulging the little womanish passions of obstinacy, resentment, and revenge, steadily promote the true interest of their country, in those great clear points of piety, industry, sobriety of manners, and an honest regard for posterity, which, all men of sense agree, are essential to public happiness. There would be something so great and good in this conduct, as must necessarily overbear all calumny and opposition. But that men should act reasonably, is rather to be wished than hoped. Before I leave this subject, I cannot but take notice of that most infamous practice of bribery, than which nothing can be more opposite to public spirit, since every one who takes a bribe plainly owns that he prefers his private interest to that of his country. This corruption has become a national crime, having infected the lowest as well as the highest amongst us, and is so general and notorious, that as it cannot be matched in former ages, so it is to be hoped it will not be imitated by posterity."

We have then a sketch—how fine—of a nation like ours, ruined by corruption.

"Whether it be in the order of things, that civil states should have, like natural products, their several periods of growth, perfection, and decay; or whether it be an effect, as seems more probable, of human folly, that as industry produces wealth, so wealth should produce vice, and vice ruin. God grant the time be not near, when men shall say: 'This Island was once inhabited by a religious, brave, sincere people, of plain uncorrupt manners, respecting inbred worth

rather than titles and appearances; assertors of liberty, lovers of their country, jealous of their own rights, and unwilling to infringe on the rights of others; improvers of learning and useful arts, enemies to usury, tender of other men's lives, and prodigal of their own; inferior in nothing to the old Greeks or Romans, and superior to each of those people in the perfections of the other. Such were our ancestors during their rise and greatness; but they degenerated; grew servile flatterers of men in power; adopted epicurean notions; became venal, corrupt, imperious; which drew upon them the hatred of God and man, and occasioned their final ruin."

His remedy for the evils he lamented was "a restoration of public spirit." May these words be engraven on our hearts. We give a few brief specimens of the maxims of Berkeley:—

"A patriot will admit that there may be honest men, and more, that honest men may differ."

"He that always blames or always praises is no patriot."

"Whether it is not the true interest of both nations to become one people? and whether either be sufficiently apprised of this?"

"Suppose the bulk of our inhabitants had shoes to their feet, clothes to their backs, and beef in their bellies, might not such a state be eligible for the public, even though the squires were condemned to drink ale and cider?"

"Whether there be upon the earth any Christian or civilised people so beggarly, wretched, or destitute, as the common Irish?"

"Whether, nevertheless, there is any other people whose wants may be more easily supplied from home?"

"What should hinder us from exerting ourselves, using our hands and brains, doing something or other, man, woman, and child, like the other inhabitants of God's earth?"

"Whether, in imitation of the Jesuits at Paris, who admit

Protestants to study in their colleges, it may not be right for us also to admit Roman Catholics into our College, without obliging them to attend chapel duties, or catechisms, or divinity lectures? and whether this might not keep money in the kingdom, and prevent the prejudices of a foreign education?"

"Whether a wise state hath any interest nearer heart than the education of youth?"

I have referred to the writings of Berkeley, not to praise his philosophy, but to exhibit, as a great example to the youth of our country, his system of politics, his patriotism, his active benevolence, his public spirit. The contrast is striking between Berkeley and Boulter. The one will be remembered while the language lasts: the other, who held the highest offices in the state, will be forgotten in the charity of oblivion, or remembered to be despised. Berkeley adorned the Church of Christ—fulfilled his divine mission; and while he did his work faithfully at home, he comprehended the world in his Christian sympathy and unbounded charity.

The portrait of this native scholar adorns the Examination-hall of your venerable University. The nobleness of his nature shines in his divine countenance: nor is the portrait the less interesting, that it was drawn by the hand of his wife.

We ought not to forget that we also possessed at this time another prelate—King, Archbishop of Dublin, who was an ornament of the Church, and an honour to his country. Like Swift, whose friend he was—like Berkeley, he was national and patriotic, and therefore was hated by Primate Boulter, whose narrow understanding conceived, that whoever wished well to Ireland wished ill to England. Archbishop King had been twice confined in the Tower by order of James II. Upon the retreat of James from the Boyne, King was appointed Bishop of Derry by our deliverer.



After he became a bishop, he published "The State of the Protestants of Ireland under the late King James' Government"—"a history," says Burnet, "as truly as it is finely written." The "Origin of Evil," as a speculative and original work, is commended and remembered. He resembled Swift in his wit, of which an instance was afforded when visited by the Primate, whose place King had every right to expect. King received his visitor sitting, and observed, "Your grace will excuse me, as I am unfit to rise." In the Irish Parliament, Archbishop King led the national party among the Bishops, and, like Swift and Berkeley, showed that a good churchman might be a good patriot.

History, from age to age, yields her useful lessons. She teaches, if we will learn.

Sir Robert Walpole was one of the most sagacious statesmen that ever administered the affairs of England; watchful, wise, skilled in politics, full of resources, loyal to his Sovereign, and attached to the Constitution as settled at the Revolution. King George hardly comprehended England or the English; but he believed in Walpole: so did his clever Queen, Caroline; and when the Queen and Walpole packed off King George to Hanover, to talk German and to review his regiments, they governed England with admirable judgment. Walpole baffled all the designs of the Stuarts, penetrated the schemes of their adherents, and kept the crown in the house of Hanover.

His character as a minister has been finely drawn by Burke. Nevertheless, this statesman, when he dealt with the affairs of Ireland, put the government into the hands of such a man as Primate Boulter, who had more power than the Lord Lieutenant, then generally absent; and having chosen Boulter as his confidential minister, closed his ears against the arguments and advice of the ablest men in Ire-

land. Had Walpole resided in our island, I should have said, with Mr. Froude, that the humidity of our climate had damped his energy, and relaxed the vigour of his understanding. But that the keen Saxon intellect, in the keen Saxon air, should have chosen such an instrument for government as Primate Boulter, is surprising. I can only account for the choice on the assumption that the strong-minded statesman selected the little-minded prelate because he could do no harm to England, and no good to Ireland, and therefore was the right man in the right place.

A lesson of a different kind, but also instructive, may be derived from the opposite opinions expressed by distinguished authors on the policy pursued and on the powers asserted by the Parliament of England in opposition to the Parliament of Ireland. I have read to you the passage from the biography of Swift, by Sir Walter Scott, in which the practical grievances under which Ireland laboured are vividly described, the policy which allowed such evils censured, the arguments of Swift applauded, and the obstinacy of Walpole condemned. Swift succeeded Molyneux, after an interval of twenty years. Lord Macaulay, in his brilliant History, discusses the same policy at the same period—expresses a contemptuous disdain for the Irish view of the question; denies that Molyneux was an Irishman, though he was born in Ireland, and represented the University of Dublin; denies that the Parliament of England was wrong in asserting the right to bind Ireland by Statutes to which Ireland by her Parliament never assented; denies that Ireland had a right to have had an independent Parliament; asserts that she was in the same condition as the other countries colonized by England—that over a colony the Parliament of the mother country exercised authority, and in that manner did so over Ireland when necessary, despite the remonstrances of her patriots or her

Parliaments; that, although it was impolitic, England had a right to put down the woollen manufacture in Ireland; that it was all nonsense to say woollen manufactures would spring up in the Bog of Allen; that Ireland would have had no woollen manufactures whether the obnoxious law had passed or not; that the Parliament of England was greatly incensed with Molyneux for stating the Case of Ireland so ably and so boldly, and that, had he not escaped by death, he would have been impeached for his presumption. There is, I am constrained to say, a singular want of generosity towards Ireland in the sentiments expressed by this eminent Whig writer; at the same time, the conclusion Macaulay arrived at upon the whole matter was sound, and is the moral of my discourse, namely, that to conduct the affairs of an empire with two independent Parliaments, would be impossible; and that one or other of two alternatives must be the result of the attempt—incorporation or separation. I am grateful, as an Irishman, to the successor of Shakespeare, the Wizard of the North—Sir Walter Scott—for his generous, kindly reflections on our history and our wrongs. His writings will be the delight of every nation, and of every age. I resent the tone and spirit of Lord Macaulay towards Ireland in his bewitching book, while I am obliged to adopt, or to yield to his logical conclusions.

In our remembrances of the eminent men of our Church who adorned the annals of literature, and lived when Boulter ruled, we ought not to forget the poet Parnell, a friend of Swift, and of Pope, and of all the wits of his age—a member of the Scribblers' Club, mentioned in the memoirs of the literary men of fame, and whose life has been written by Dr. Johnson and by Goldsmith. He was an admirable scholar, is believed to have helped Pope largely in his poetical translation of Homer, while he wrote the life of the

great poet prefixed to the translation, or, as it was called by some, the poem of Pope. Archbishop King was friendly to the native who possessed genius, and appointed Parnell to the vicarage of Finglas: in possession of that preferment, he died of a rare disease—grief for the loss of a beautiful and intellectual wife. The name of Parnell is, in our day, connected with a devotion to works of Christian charity, as well deserving the respect of good men as his poetic fame. It is also honourably distinguished in our political and parliamentary history.

Learning has ever been cultivated by the Clergy of our Church, and it ever ought; it is not incompatible with zeal and piety, but sheds a lustre on both: and when we close the volumes which contain the labours of King, of Parnell, of Berkeley, of Swift, we may, with a just pride, also recollect their virtues, their patriotism, their benevolence. When, in later times, Magee wrote his fine work on the Atonement, he strengthened belief and confirmed faith, which a thousand conceited essays cannot disturb. When Archdeacon Russell collected the poetical remains of Wolfe, he did an act of pious friendship, while he showed that within the breast of a laborious, ill-paid curate of our Church, may lurk the genius of a poet. When two English scholars published, in Cambridge, the masterly writings of Archer Butler, now gone to his rest (I speak only of the dead), they performed their gracious task in order to preserve and diffuse amongst Englishmen the knowledge of the labours of an Irish Churchman, who cultivated letters while he expounded the principles of our faith, with power of reasoning and splendour of eloquence rarely displayed. Surely the talents bestowed by the Creator cannot be directed to a nobler purpose than in instructing his creatures, increasing the spiritual treasures of the Church—in expounding God's

Word, and proclaiming his praise: and surely the Churchman, as well as the Parliament man, may love his country, and be a patriot.

We pause in our review of the parliamentary life of Ireland. You will examine carefully and closely the laws, the policy, the principles of government, which prevailed at this critical period of our history. You will see clearly in what fashion the affairs of Ireland were then administered—to what condition she was reduced under the fostering care of an Irish Parliament. You will perceive how England's sagacious Minister preferred the shallow advice of the narrow-minded Primate Boulter, to the wise and patriotic counsels of Swift. The consequences were tremendous.

I agree with Burke, that no writer has assigned higher motives or sounder reasons for patriotic conduct, than Swift has done in his Sermon on “Doing Good to our Fellow-men.”

I have read the sermon more than once, and it is none the worse that it was preached by a patriot. There never was a country in which the doctrine laid down by Swift was more necessary to be taught than in Ireland. If it was essential for your forefathers to hear it then, it is highly expedient for their descendants to hear it now.

What was the text?—“As we have therefore opportunity, let us do good unto all men” (Galatians vi. 10.) What was the discourse? Listen—

“This love of the public or of the commonwealth, or love of our country, was in ancient times properly known by the name of *virtue*, because it was the greatest of all virtues, and was supposed to contain all virtues in it: and many great examples of this virtue are left us on record scarcely to be believed or even conceived in such a base, corrupted, wicked age as this we live in. In those times it was common for men to sacrifice their lives for the good of their country,

although they had neither hope nor belief of future rewards ; whereas in our days, very few make the least scruple of sacrificing a whole nation, as well as their own souls, for a little present gain, which often hath been known to end in their own ruin in this world, as it certainly must in that to come. Have we not seen men, for the sake of some petty employment, give up the very natural rights and liberties of their country and of mankind, in the ruin of which themselves must at last be involved. Are not these corruptions gotten among the meanest of our people, who, for a piece of money, will give their votes at a venture for the disposal of their own lives and fortunes, without considering whether it be to those who are most likely to betray or to defend them. But here I would not be misunderstood. By the love of our country—I do not mean loyalty to our king ; for that is a duty of another nature : a man may be loyal in the common sense of the word, without one grain of public good at his heart. Witness this very kingdom we live in. I verily believe that since the beginning of the world, no nation upon earth ever showed (all circumstances considered) such high constant marks of loyalty in all their actions and behaviour as we have done ; and at the same time, no people appeared more utterly void of what is called public spirit. I am certainly persuaded that all your misfortunes arise from no other original cause than that general disregard among us of the public welfare. Solomon tells us of a poor wise man, who saved a city by his counsel. It hath often happened that a private soldier, by some unexpected brave attempt, hath been instrumental in obtaining a great victory. How many obscure men have been authors of very useful inventions whereof the world now reaps the benefits. Whoever is blessed with a true public spirit, God will certainly put it into his way to make use of that blessing, for the ends it was given

him, by some means or other ; and therefore it hath been observed in most ages, that the greatest actions for the benefit of the commonwealth have been performed by the wisdom or courage, the contrivance or industry of particular men, and not of numbers ; and that the safety of a kingdom hath often been owing to those hands from whence it was least expected."

The moral of this discourse is plain. The expressions of loyalty might be loud and insincere, or its existence might be real and lasting, and yet be unaccompanied by that public spirit essential to the preservation of freedom, which is, in fact, loyalty to our country, and as much the duty of the good Christian as loyalty to the throne.

The theory of Swift was worthy of a true patriot, that in the combination of loyalty to the sovereign with the unshaken love of country, lay the safety alike of the people and the throne. I agree with Swift, and bless his memory for the policy he has proclaimed—the principle he asserted. They maintain the tranquillity of a state in vindicating the liberty of the people.

Be therefore prompt in your duty to your country ; and when you wish to know how best to discharge that duty, recal the maxims of Berkeley—the sermons of Swift—keep alive within your breasts that public spirit from which all great actions spring. Let it not be shown in silly speeches, or vapid declamation, but in thought, in action, in conduct throughout the business of your lives. Without public spirit, you are a nation of walking dead men. Make head against difficulty—struggle to overcome evil with good—never deride the misfortunes of your country—but strive to remedy or relieve them. Be sincere in all things ; and when you speak, speak like freemen. No country is worth living in where the men of that country only look to self, and the selfish interests of the fleeting hour. No country was ever permanently great and prosperous without public spirit in her sons.

What are the charters?—what are the statutes?—what are the laws we have been considering? Lifeless things? They record, it is true, the wisdom of the senator—the triumphs of the patriot—but it was by public spirit they were born, and it is by public spirit they can be preserved.

Parliaments may live or die. Without virtue, no honied words—no cunning phrases—no eloquent tongue—no artful schemes, could save them from their fall. Public spirit is the breath of their life; withdraw it, and they perish.

When corruption grew, when public spirit fled, Cicero could not save the Senate.

“ Quid leges sine moribus  
Vanæ proficiunt.”

Therefore, young men, be admonished by the Church; by your conscience; by Holy Writ—to spurn the vices, the corruptions, the temptations, which may beset you—to cultivate the virtues which strengthen the character of the individual, and to cherish the public spirit which alone can elevate your country.





THE  
Life and Death of the Irish Parliament :  
A LECTURE  
BY  
THE RIGHT HON. JAMES WHITESIDE,  
LL.D., M.P.  
DELIVERED BEFORE THE  
DUBLIN YOUNG MEN'S CHRISTIAN ASSOCIATION  
IN CONNEXION WITH THE  
UNITED CHURCH OF ENGLAND AND IRELAND,  
IN  
THE METROPOLITAN HALL, JANUARY the 21st, 1863.  
SIR THOMAS STAPLES, BART.,  
IN THE CHAIR.

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# THE LIFE AND DEATH OF THE IRISH PARLIAMENT.

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## CHAPTER VIII.

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ACCESSION of House of Hanover—The Dispute touching Money Bills not originating in the Irish House—Declaratory Act of George I.—No independent power in the Irish Parliament—Single-speech Hamilton—Montesquieu's View of an Union—"Baratariana"—Inner Life of House of Commons in 1762, as described by a Military Reporter—Heads of Bills, not Bills, discussed—Examples of Debates a century ago—The Family of "Job."

THE curtain rises—a new scene of the great political drama opens—and we behold the House of Hanover seated on the throne of these realms. The triumphs of Elizabeth, the glories of Queen Anne, will be eclipsed, we may well believe, by the superior lustre of Victoria's reign. Thus are we taught the profound truth, that women were born to rule, and men to obey. We have passed in the review of our parliamentary progress through many awful trials, and have reached a platform of order and peace. Let us survey our political position ere we advance further. We got a Parliament fettered by laws, which made it impossible for it to use independent action, whilst it might have

managed local matters safely and wisely. It was a Parliament oddly constructed, for it was composed of members who might sit all their lives without considering or facing their constituents, neither the Triennial nor the Septennial Bill touching Ireland. The lucky member, once chosen, had a life estate in his seat, subject only to a dissolution on the demise of the Crown. The members might be affected by conscience, but were wholly uninfluenced by popular control. Sometimes a Parliament was not called in Ireland for twenty years. Of course, there was no publication of debates—there was no Place Bill, no budgets, and no ministerial responsibility to the Irish Parliament. It was strongly insisted that a Money Bill need not take its rise in the Irish House of Commons; and it was even asked, and only refused by a single vote—and that through a prodigious effort on the part of Colonel Tottenham (commonly called Tottenham in his Boots)—that the supplies should be granted, not biennially, but for twenty-one years at a time, so as to save trouble to all parties. When we add to these startling anomalies the fact, that one Parliament would last sometimes for a whole reign—it might be for thirty years, without dissolution or change, save by the death of an individual member—we are constrained to confess, that if the Parliament of Ireland was an image of the Parliament of England, the image was but faint and indistinct. An amusing, yet conclusive, example of the imbecility of our Senate, is furnished by the result of the memorable dispute between the Irish House of Commons and Primate Stone, another intriguing English Prelate, then a Minister, and representing the Irish Executive, as to the disposal of an unexpected surplus of £200,000 in the Irish Treasury, after all charges on the public funds had been paid. The Irish House of Commons insisted they had the right to appropriate the money they had granted. The local Executive replied that

such doctrine had never before been heard of in Ireland. The dispute waxed hot; meanwhile, the money was drawn out by a King's letter, and disposed of according to the pleasure of the Crown, leaving the disputants to quarrel about the shell when the oyster was gone. This fact throws ridicule upon the Parliamentary constitution of Ireland, inasmuch as the arbitrary conduct of the Crown was neither resisted nor resented.

We have arrived at an epoch in our constitutional history; and it becomes necessary to state briefly the circumstances under which the Act of Parliament next to be referred to was passed. In 1698, a petition was presented to the English House of Lords, by the Governor and Company of the new Plantation in Ulster, against a judgment given by the Lords in Ireland, on the appeal of the Bishop of Derry against the said Society. Whereupon a Committee was appointed to examine precedents, and on their report, it was adjudged and decreed, by the House of Lords in England, that the cause heard before the Irish House of Lords was *coram non judice*, and all proceedings thereupon NULL AND VOID.

Reasons against the foregoing order were drawn up by the celebrated Molyneux, member for our University. They were unanswerable, on his assumption that the Parliamentary constitution of England was introduced into Ireland. He relied on the *modus tenendi Parliamentum in terminis*—the same with that of England—and on all the charters and statutes already noticed. The Irish Lords protested manfully against the extinction of their greatest privilege, and checked the aggression, which in 1717 was renewed. The Irish House of Lords then drew up, with great ability, a representation to the King, well fortified by precedents and arguments, asserting, "That if the power of the judicature may, by a vote of the British House of Lords, be taken away from the Parliament of Ire-

land, no reason can be given why the same may not, in like manner, deprive us of the benefits of our whole constitution." A reasonable proposition.

The answer to all these appeals, remonstrances, and representations, is to be found in "The Declaratory Act of George I.," which was passed in consequence of these appeals. The statute expressly enacts and declares :—

"That the kingdom of Ireland hath been, is, and of right ought to be, subordinate unto and dependent upon the imperial crown of Great Britain, as being inseparably united and annexed thereunto; and that the King, with the consent of the Lords and Commons of Great Britain, in Parliament assembled, hath power to make laws of sufficient force to bind the kingdom and people of Ireland.

"And that the House of Lords of Ireland have not, nor ought of right to have, any jurisdiction to judge of, affirm, or reverse any judgment or decree made in any court within the said kingdom; and that all proceedings before the said House of Lords, upon any such judgment or decree, are void."

This statute was a complete assertion of authority over the Legislature and kingdom of Ireland, and a practical denial of its parliamentary independence.

If the Lords were stripped of their supreme appellate jurisdiction, what were the powers of the Irish House of Commons on the all-important point of originating Money Bills? The jealousy of the House of Commons in England at all periods, in asserting the right to originate all grants of money and Money Bills, and to pass them unaltered by the Lords or Crown, is proverbial; it has been carried to a ridiculous extreme. The upshot of the business is, that the purse-strings of the nation are pulled and opened by the House of Commons. Some say, unfeelingly, that the purse is the emblem of love: all admit it to be the emblem of power!

Under the operation of Poynings' law, the Bills to be introduced into the Irish House of Commons must have been first certified by the Privy Council in Ireland to the Council in England. A great question was raised—Did this include *Money Bills*? The House of Commons, at various periods, contended that Money Bills, at least, should originate in their House, although all other Bills must have been certified and ticketed beforehand by their superiors in the Privy Councils.

Here we have an infallible test whereby to ascertain the real nature of our Irish Parliamentary Constitution.

We might suppose that, whatever bad practices prevailed before the Revolution, after that glorious event the fundamental principle of Money Bills originating in the Commons would have been extended to Ireland. This could easily have been managed by not parading them before the country under the fiat of the Privy Council, but allowing such bills to be brought in quietly while the House of Commons was sitting, under the statute of Philip and Mary, expounding Poynings' law, and rendering it applicable to such case.

A spurt of public spirit was made in the Irish House of Commons immediately after the Revolution, October, 1692, (the first Parliament called). It appears that two Money Bills were originated by the Privy Council, and certified to Parliament. The Irish House of Commons passed one, on account of pressing emergencies, but followed it with a resolution that their proceedings should not be drawn into precedent. They rejected the second Money Bill, because it had not taken its rise in that House, and passed a resolution, "That it was, and is, the undoubted right of the Commons of Ireland, in Parliament assembled, to prepare and resolve the ways and means of raising money." The brave Parliament, immediately after this escapade, was prorogued, and soon after dissolved. The Lord Lieutenant (Lord Sydney),

before he dismissed them, rated the Commons soundly for their presumptuous behaviour in drawing up such unanswerable reasons for rejecting a Money Bill; and in order to punish these sticklers for constitutional privilege, and to warn all others in like case offending, bade them begone about their business, and not presume to look his Excellency in the face again.

In vain were the logic and patriotism of Molyneux, when opposed to superior power in England; but his weighty reasonings, and the stirring appeals of Swift, produced ultimately great results in Ireland. All that had been previously written on constitutional subjects operated by degrees on the public mind. Ireland was changed from its unsettled, weak, and depopulated condition at the time of the Revolution, and no sensible man would advise a like policy to be pursued on this delicate subject of originating Money Bills as formerly. Accordingly, when a Parliament was about being summoned, in 1760, these considerations seriously affected the minds of the Lords Justices, and induced them to draw up for the absent Lord Lieutenant a State Paper, worthy of the best days of English statesmanship, setting before the Duke of Bedford, in logical form and in solemn words, their reasons for declining to certify a Money Bill from the Privy Council, and for leaving to the Irish House of Commons the exercise of the privilege of originating Money Bills themselves. A motto was prefixed to this remarkable publication, being words spoken by Wentworth before he was created Lord Strafford:—"This hath not been done by the King, but by the projectors, who have extended his prerogative beyond its just bounds. They have introduced a Privy Council, ravishing at once the spheres of all antient government."

The remonstrance produced no effect; which I have observed to occur frequently when an unanswerable case is



brought before reluctant minds. The Money Bill was certified by the Privy Council; the Lords Justices manfully resigned; and we have, reported by himself, the speech spoken in defence of the Government by the Secretary to the Duke of Bedford, called "Single-speech Hamilton," in 1761. This speech is very able and very instructive. He puts his argument thus:—"As to the analogy between this and the British House of Commons, every argument must be inconclusive which means to assimilate things which are in their very form and origin—in their very first concoction—not only different, but opposite. The two constitutions were once indeed upon the same model. The plan of Poynings' Act was to remove the Irish Constitution from the ground on which it stood—to change the model of it, and to make it not only different, but in some respects the very reverse of the English House of Commons." He then relies on the opinions given by the Judges to William III., the positive words of the Statute, and the practice of three hundred years. He states the result of the division; 37 patriots voted for a fundamental privilege, dispossessed of which a House of Commons is powerless; 147 steady hacks<sup>s</sup> voted for the Money Bill which did not originate in the House of Commons, and they could only have voted upon the safe ground taken by Hamilton, that the constitution of the Irish House of Commons was in some important respects "the very reverse of the English House of Commons."

Thanks to "Single-speech Hamilton" for his clear and candid exposition of the matter. This gentleman had Edmund Burke for his Secretary, by whom he was afterwards cordially hated. He held a seat in the English and Irish Parliaments; and I believe he seldom, if at all, spoke in the English Senate, whence it was reported, I think erroneously, that his single speech was written by Burke.

The 6th George I. furnishes a decisive proof that, whether the Tudor, or the Stuart, or the Guelph, reigned, it was equally the policy of England not to permit the existence of an independent Parliament in Ireland. We cannot be blind to this great fact. It was long perceived; and at various periods the idea of a legislative Union was discussed as the remedy for the evils—political, if not social—under which Ireland groaned. Some persons thought England would not consent to such a measure; others, that the terms which might be imposed would be too severe upon Ireland. The precedent of the Union with Scotland was much referred to and discussed. Hardy, in his Biography of Lord Charlemont, recounts a remarkable conversation between the celebrated Montesquieu and Lord Charlemont, then on his travels in France. The passage is significant:—"Were I an Irishman," said the great author, "I should certainly wish for a union with England, and as a general lover of liberty I sincerely desire it; and for this plain reason—that an inferior country connected with one much her superior in force, can never be certain of the permanent enjoyment of constitutional freedom, unless she has, by her representatives, a proportional share in the legislature of the superior kingdom." This was uttered in June, 1754, and came from one of the profoundest political philosophers the world ever produced. In 1756 a rumour prevailed, was generally credited, and created much discontent, that a legislative Union of both kingdoms was in contemplation.

In a book called "*Baratariana*," being a political satire consisting of a series of letters resembling those published by Junius, a despatch is feigned as having been addressed by the then Lord Lieutenant, Townshend, to the then Prime Minister of England, in which is the following passage, anticipatory of an Union, and showing how the Viceroy laboured to produce it:—

“The characteristics of this country are gaiety, dissipation, and expense. I have done my utmost to encourage them, to render the gentry more necessitous, and, of course, the more dependent; by these means, my Lord, you must candidly confess I have done a great deal. I have disunited families hitherto thought impregnable to seduction. I have provided for the most worthless, to show that the single criterion of merit is an implicit obedience to Government. Have I not, my Lord, contracted such a debt, in enlarging the military establishment, increasing the salaries of office, and creating new ones, that the payment, even of the interest, will necessarily reduce the nation to a state of absolute poverty and dependence? And is it not thereby fitted for an *Union* upon our own terms, or a land-tax at worst, either of which fully answers the purposes of my appointment.”

The labours of the House of Lords in this august assembly, at this period, are described thus by one who was not a lover of irony. The record runs—“Prayers—Ordered that the Judges be covered—Adjourned.”

What was the inner life of the House of Commons a century ago, prior to the outburst in 1782, and before debates were printed? We have a witness to give evidence upon the subject, and cannot refuse him our belief. In the winter of 1763, a military officer (his name was Caldwell) was quartered in Dublin; he had abilities, a strong memory, and an invincible curiosity. He attended the House of Commons daily, and listened to the debates of our forefathers with the deepest interest: he was enchanted. “After I left the House” (he declares) “the voice of the speaker was still in my ears, and the sentiments I had heard excluded all others from my mind. I was impelled, as it were, by an irresistible impulse to commit to paper what was then forcibly retained by my

memory, before it should be mixed with other ideas, or debilitated by them."

Practice made this martial listener perfect, just as Boswell remembered and recorded volumes of the ponderous talk of Doctor Johnson; and what does the impartial critic say of the Irish orators of the middle of the last century? First, he says: "I cannot but observe that there is scarce one native of this country, in the Parliament of England, that is not a speaker of some distinction." Then, with the courtesy and frankness of a soldier, he writes—"Let me add, that in my travels through many nations, during an absence of seven years from my country, I came into no kingdom where I did not find natives of Ireland in every profession, and almost in every art, who had been preferred to eminent stations merely by their merit, having entered the country under all the disadvantages of aliens, without money and without friends."

We are so unaccustomed to such compliments that I could not deny myself the pleasure of transcribing the polite sayings of a literary soldier. He then declares the debates he heard in College-green would "do honour to any age or nation." As Parliamentary debates were not, at that period, allowed to be printed, one reporter gives an opening speech to Mr. A., who is replied to by Mr. B., who is answered by Mr. P., who is refuted by Mr. Q. An Appendix, however, now enables the reader to discover the orator's name. The friendly annalist records one hundred and one debates that he heard in the same number of days. He reminds his readers that "the Irish Parliament assembles but six months in a revolution of two years; that an indispensable attendance in the courts of law prevents many members from being constantly present, and that the whole number is comparatively few."

I read the two volumes of these forgotten debates with

interest. They deserved the praise bestowed upon them. The country gentlemen of that time appear to me to have been eloquent, cautious, judicious, and well-informed; the lawyers equal to their work, but their legislative labours were light; the minister, respectful to the House, and effective in discussion. The general impression left on my mind was pleasing; and I came to the conclusion, that if the theatre on which our predecessors figured had been wider, and the subjects they were called upon to discuss grander, they would have played their parts successfully with or against the foremost men of their age. But when we examine the questions discussed, we are obliged to admit their general insignificance. A few national questions were dealt with, through a device then practised by permission of the Privy Council—namely, a motion for leave to bring in, not a Bill, but *Heads of a Bill*. A private member, I have already explained, could not, under the operation of Poynings' law, move directly to bring in a Bill, as any member in the English Parliament could then and now do at pleasure; so the Irish senator (his superiors in the Privy Council winking at his folly) evaded the positive law, by only asking leave to introduce *heads* of a projected Bill. Then, if the House approved, the Minister might prevail on the Privy Council of Ireland to take up the measure, and to the heads add tails; then to send the same over to the Council of England, to be approved. Then, having obtained permission from the Privy Council in London, the *very* Bill, so allowed, might be presented by the Irish Privy Council to the Irish Parliament. In their consideration of national questions, the most important was that moved by Lucas, namely, the long duration of Parliaments; his speech moving to limit the life of a Parliament to eight years is very good. He certainly had truth on his side, when he contended that an Octennial Bill was more necessary in Ireland than in

England, because Ireland had no such barrier against ministerial influence as the Place Bill in England. There had lately been a revolution (Lucas argued) : how absurd it was to maintain that the people had a right to make and change a king, and yet had no right to change their representatives, to whom they delegated their power of keeping the King from being independent of his people. I wonder how the Privy Council would have answered that practical argument. It prevailed, and the Octennial Bill was carried. There is an admirable proposition to increase the salaries of curates, introduced in an unanswerable speech ; but, unlike the Octennial Bill, it was not carried. The evil, which exists now as it existed then, however, may be abated by the promotion of every man who deserves it. As an example of the kind of questions which occupied the attention of the Commons, I give the following :—

“The Honourable E. S. represented that great inconvenience and danger frequently rose to the subjects of this kingdom from the neglect of the masters of ships trading to *England*, who neither provided a proper number of hands to navigate the vessel, nor a sufficient quantity of necessaries to serve the purposes of life, if the ship happened to be a few days longer on her voyage than usual, by bad weather, which frequently drove her out of her course, *particularly candles and fresh water*. He said he was himself a passenger very lately on board the *Lively*, and that the terror they felt from the danger of the storm was nothing in comparison with their suffering for want of water, and their dread of perishing by thirst. He therefore prayed that he might have leave to bring in the heads of a Bill to prevent such evils for the future.”

We are initiated into the mental and bodily labours of members by the speech of a right honourable gentleman,

upon the motion of a member that, in consequence of the increase of business, Monday should no longer be kept a holiday. He said—"That he thought it of more importance to appoint the House to meet earlier, that it might not be obliged to sit so late, for that the attendance of that House till seven or eight o'clock at night was a very great fatigue, and as long as this continued, he thought one day in the week little enough for relaxation." I know not what that oppressed senator would think of our present hours, and of our imperial labours. A petition of Margaret Ashworth, widow of Thomas Ashworth, late of Donnybrook, Linen, Cotton, Calico and Paper Printer, deceased, praying aid to enable her to carry on these manufactures, was presented and read. Mr. J. M. moved it might be referred to a committee. Then arises a discussion on the principle of political economy involved in grants, for such purposes, of public money. A sensible speech having been made by Sexton Perry, the mover of the petition said he thought it was very hard he should be the first that was refused, and that he did not see why he should not have his *job* done as well as another. A sharp discussion then arises on the use of the word "job," and of the immorality of jobs in general—whereupon, Mr. R. F., (being either Mr. Robert French, M. P. for Carrick, or Mr. Robert Fitzgerald, M. P. for Dinglecourt,) made a very amusing speech, which affords a fair specimen of the talent which abounded in the House of Commons at this time: "This monosyllable is the name of a certain illegitimate child of *Public Spirit*, whom the world has agreed to call Job. He is well known in this House, and I am sorry to say has not been ill received in it. Let me give an account of his descent and family, character and qualifications. Self-interest was the father by whom Public Spirit has a numerous issue, distinguished by the name of Job. Many of them have come

over hither from a neighbouring kingdom, and have with great success played both upon our weakness and our virtues. They very often assume their mother's name, and pretend that their father was *Integrity*, a gentleman of very honourable descent, who, having of late times been much neglected by persons of power and interest, has fallen into misfortune, and having been long in obscurity, nobody knows where he is. Of late, they (Jobs) have condescended to amuse themselves with great guns, haubitizers, and mortars; with powder, ball, fire, and smoke; with warlike peace and peaceful war. As to the places where they are to be found—they love good company, and associate much with those in whom you, gentlemen, place great confidence. They are found at the Treasury Board, the Linen Board, the Barrack Board, and, in short, at every other board. Nor are they ever to be missed at Grand Juries, or societies that have the disposal of money."

Having searched these volumes fairly, with gratitude to the reporter, and admiration for our forefathers, I can pronounce no other judgment upon the Irish House of Commons of a century ago, than that, while it was composed of gentlemen of ability, it resembled more a parish vestry, or a corporation assembly, than a national Parliament. I may add, that the Dublin Water Bill is a larger question than nine-tenths of the subjects of those provincial debates. Yet was the Parliament progressing towards independence.

Before separating from our gallant soldier, I ought to add, that he subjoins to his reports an inquiry, how far the restrictions laid upon the trade of Ireland by *British* Acts of Parliament were a benefit or a disadvantage to the British dominions in general, and to England in particular, for whose separate advantage they were intended.

If our hero wrote this essay, I can only say he had studied more than the art of war. He selects and summarizes all



the mischievous statutes passed by the British Parliament ; several of them, I regret to say, after the Revolution, in contempt of the Irish Legislature, to repress or stifle the manufacture and exports of Ireland ; and, arguing very differently from Lord Macaulay, proves them to be, every one, not only unjust to Ireland, but mischievous to England. He quotes what contains the pith of the matter: “ England, in making laws to make Ireland poor,” says Sir F. Brewster, in his Essay on Trade and Navigation, “ acts just like a man who should set his house on fire that he might burn his neighbours ;” he argues, Ireland should be treated exactly like Yorkshire. I may add, that it would have been difficult so to do, except by an Imperial Parliament and an united Legislature.

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## CHAPTER IX.

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POLITICAL Undertakers—Dignity of Irish Peeresses vindicated in England—Lucas, his Expulsion and Return—Flood's Patriotism, his Criticism on Political Men—Volunteer Meeting at Dungannon, Grattan's Opinion of it—Grattan's Reward—Flood's Strictures—England's Renunciation of Right to legislate for Ireland—The Quarrel of Flood and Grattan—The late Peter Burrowes—The alleged Failure of Flood in the English Parliament—The Volunteer Convention—The Earl of Bristol, Bishop of Derry, his Character and absurd Conduct—Condition of City of Dublin under the Government of the Duke of Rutland—Conduct of Fitzgibbon (Lord Clare)—Pitt's Commercial Scheme for the two Countries—Idea of an Union broached.

WE are approaching a stirring period of Irish history. It has been said, that for a few years before 1780, parliamentary speaking was confined to a few;—the Secretary, the leading Commissioners of the Revenue, the Attorney-General, and one or two grave Sergeants-at-law—"men of sterile and almost interminable rhetoric." Tisdall, the Attorney-General, an able man, represented the University of Dublin for nearly forty years—Flood, warmed by Single-speech Hamilton, was opening those talents which afterwards ripened into excellence. One of his rivals was said to have the finest face for a grievance that was ever beheld. Primate Stone was artful, intriguing, and jealous, affecting at times the lowly ecclesiastic, whereas his true character was that of a restless politician and ambitious statesman. The official leaders were called 'Undertakers,' and justly, it was said, because from education

and habit they were well fitted to preside over the funeral of the commonwealth.

The Irishmen had their grievances—they complained and agitated; the Irish Peeresses also had their disappointments and their triumph. When Charlotte of Mecklenburgh arrived in London, to become Queen and wife to George III., certain Irish Peeresses prepared themselves to walk in procession at the royal nuptials; but they were informed they had no rights, and might walk home. Offended, and justly, that their beauty and their dresses should not be seen to advantage, they applied to their noble lords, who took the matter coldly, recollecting the reply which had been given on a former occasion to their predecessors who wished to walk in a royal procession, namely, that they could only be allowed to walk at a funeral, because then, as Irishmen, they would be in their proper station, and might *howl* as much as they pleased. But the ladies of Ireland had too much spirit to submit tamely to oppression. They found a knight in the accomplished Charlemont; he discovered precedents to satisfy the young King; the Council saw the fair beauties, were enchanted, and conquered, and the Peeresses of Ireland walked triumphant in the brilliant throng according to their rank, the joy and admiration of all beholders. Thus were the Peers of Ireland taught how to conquer.

Lucas, an ardent apothecary, whose statue adorns the Exchange, had been persecuted and expelled the House, and voted an enemy to his country for speaking truth. He went to London, practised the medical profession, wrote an Essay on waters, attracted the notice of Dr. Johnson, who wrote him up, branding the Irish Parliament and Government for their infamous behaviour. Thus thundered the Doctor: "Let the man driven into exile for having been the friend of his country, be received in every other place as a confessor of

liberty, and let the tools of power be taught in time, that they may rob, but cannot impoverish." Lucas got back, was elected again for Dublin, and became a useful member of Parliament in his day.

Flood now determined to be patriotic, and renewed the old cry against absentees, by proposing a tax of two shillings on the net rents of all landed property in Ireland, to be paid by all persons who should not actually reside in the kingdom for the space of six months in each year—Christmas, 1773, to Christmas, 1774. The Irish Government, wanting money, favoured the scheme; but it failed. The absentee Lords in London, a numerous body, pressed Lord North to give it up; Burke, in his Correspondence, condemned the plan as impolitic; although it was liked by the multitude and favoured by a party, it was lost. Flood now thought it was high time to accept a place—that of Vice-Treasurer—a place highly desirable. The rank it conferred was considerable, the pay large, and the work small. Few patriots could resist such inducements. When questioned by his friends, he moralized on the corruption of the times, stating, "that he had been betrayed oftener, when taking an active part in the House of Commons of Ireland, than he thought it necessary to state. Except some particular persons, men of scrupulous honour, every one to whom I intrusted a parliamentary motion, or plan of conduct for the session, almost uniformly betrayed me." Flood seemed surprised to find that he was promoted, not to speak, but to hold his tongue. He might have said, with a witty Irishman and brilliant declaimer, whom we remember, "that he was better rewarded for his silence than ever he had been for his eloquence." Such is the blindness or perverseness of Ministers, who will sometimes prefer a silent vote to a fiery oration, although the orator might be Flood or Sheil. When Grattan, long after-

wards, charged Flood with having sunk his patriotism in office, he cleverly replied, "A patriot in office is more the patriot."

A great figure now appears upon the stage of public life—Henry Grattan—who took his seat for Charlemont in December, 1775, and began his splendid, though chequered career. The condition of Ireland at this epoch was deplorable. Her industry was shackled, her trade was paralyzed, her landed interest was depressed, her exchequer empty, her pension list enormous, her shores undefended, her army withdrawn. The policy and the maxims of Swift once more revived—a spirit of discontent and a spirit of independence pervaded the nation. England was at war with France—at war with America; the colonies had revolted, republican theories were afloat in the world, and Ireland was menaced with invasion. The Government, on being applied to for troops, declared they had none to spare, and that Ireland must protect herself. The Volunteer movement then commenced; and, to the amazement of Ministers, they soon stood face to face with an armed nation.

On looking into the History of the Volunteer movement compiled by Mr. Wilson, I found the names of those who attended the celebrated meeting at Dungannon, and were chosen as a permanent Committee of the Ulster Volunteers. The first name was that of Lord Enniskillen—borne now by one I am proud to call a friend. The resolutions carried were very distinct. They were in favour of the parliamentary independence of Ireland—of the independence of the judges—in condemnation of Poynings' law, as unconstitutional and illegal—in condemnation of the powers usurped by the Privy Council of both kingdoms—in favour of opening the ports to all foreign countries—and in favour of a Mutiny Bill, limited from session to session. Parliament caught the

infection, and became patriotic and independent. All these rational and just propositions became, through the new-born zeal of the Parliament, established law : down went Poyning's law—useful in its day; down went the Act of Philip and Mary; down went the obnoxious Statute of George I.; the Mutiny Bill was limited, restrictions on Irish trade vanished, the ports were opened, the Judges were made irremovable and independent. I cannot join in the usual exultation at the proceedings of the Volunteers; on the contrary, I regret their occurrence. Not that I think the resolutions carried at Dungannon were in themselves unjust; not that I would hesitate to claim for Ireland all the rights possessed by our English fellow-subjects; but because all these inestimable advantages were not granted by the wisdom of the Government, through the recognised channel of Parliament, and were carried at the point of the bayonet. The precedent was dangerous. Had Walpole been alive, he would have repented his blunder in listening to Primate Boulter, and refusing to be advised by the counsels of Swift. But the deed was done.

Lord Mountmorres, in his valuable book on the Transactions of the Irish Parliament, published in 1792, in referring to the curious debate recorded by Carte, in his Life of the Duke of Ormonde—which debate took place in the Council of England, in the reign of Charles II., on the question whether the settlement of Ireland at that time should be transacted by the English or by the Irish Parliament—concludes his observations with these words:—"The assertion and declaration of the Irish, and the *final renunciation* of the English Parliament, in 1781, has established upon an eternal and irrevocable foundation, the sole right of their own Parliament to legislate for Ireland." The events which subsequently happened are in remarkable contrast to this bold and confi-

dent statement, and refute the idea of a final renunciation, or indeed, of finality in political subjects.

Our inquiry henceforth will be—How the Parliament secured—how it preserved its independence—and why, and when it was lost.

It will be seen I have not misapprehended the true character of the celebrated Dungannon meeting. Mr. Grattan in the House of Commons thus refers to it:—"Gentlemen will perceive that I allude to the transaction at Dungannon. Not long ago the meeting at Dungannon was considered a very alarming measure, but I thought otherwise. I approved, yet I considered the meeting at Dungannon as an *original transaction*. As such only it was matter of surprise. What more extraordinary transaction than the attainment of *Magna Charta*? It was not attained in Parliament, but by the *Barons, armed in the field*. A great original transaction is not founded in precedent; it contains in itself both reason and precedent. The Revolution had no precedent; the Christian religion had no precedent; the Apostles had no precedent." Apart from the singularity of the style and the very questionable analogies suggested by the orator, it is plain his argument was, that the meeting at Dungannon was an unprecedented revolutionary movement, owing its success and its value to the fact that it sprang from an assembly, and was backed by an association of armed men. The gentlemen who signed and supported the resolutions at Dungannon were not famous as orators; but they and their descendants would maintain their words by their actions; their pithy resolutions in the open air were as effective as the fine speeches delivered within the walls of Parliament.

Flood added fuel to the flame when he exclaimed, in his place in the House of Commons, "A voice from America

shouted to Liberty; the echo of it caught your people as it passed along the Atlantic, and they renewed the voice till it reverberated here!" Ominous words when spoken! If the speaker were now alive, would he repeat his words, and say it was from America the voice should come which was to awake a lethargic nation to happiness and freedom?

On the night that the message was delivered from the Crown, in the Duke of Portland's administration, to the effect that all the demands of the Irish nation, that is, those made by the Parliament and the Volunteers, would be yielded, and that, amongst other concessions, the obnoxious Statute of 6th George I. was to be repealed,—Mr. Grattan, in the exuberance of his joy at what he considered the triumphant result of his labors, declared, "That there will no longer exist any constitutional question between the two nations that can disturb their mutual tranquillity." These words produced a corresponding impression upon the minds of the delighted hearers. Mr. Bagenal—declaring that our existence as a nation now began, comparing Grattan to Marlborough, and reminding the House that a grateful nation had voted Blenheim and an estate to the victor in twenty great battles—proposed that a similar course should be pursued with regard to Grattan, and that a sum of £100,000 should be applied to the purchase of an estate to be settled on him and his heirs for ever, as a token of the national gratitude for his illustrious services. The proposal was grateful to the House; the amount, however, was reduced to £50,000, and the estate was settled on the favourite. It might fairly be argued, that a place-hunter should be rewarded by a place—a patriot by the people. "He had crowned his work." These words were hardly spoken, and the Parliament had scarce recovered from the intoxication of its joy, when it was coolly, ably, and I think unanswerably argued, especially by a Mr.



Walshe and by Flood, that the work was not crowned—that poor Ireland was not rescued from English thralldom. “What!” said Mr. Grattan, “is not the 6th George I. to be repealed?” “Yes,” said Mr. Flood; “and may it not be re-enacted—may not the British Parliament hereafter, if it pleases, repeat its original offence?—a simple repeal will not suffice; there should be a *renunciation of the right* on the part of England so to legislate in regard to Ireland.” The gauntlet flung down by Flood was gallantly taken up by Grattan, and the tournament was fought by knights who tilted each other in the House with the pen, and tried to tilt at each other out of the House with sword and pistol. The debates on the question, whether simple repeal of the hated statute implied a renunciation of the right to pass such a law, occupy half a volume. Flood reasoned his point with masterly ability, and Mr. Walshe argued almost as well. I think they proved that England always claimed the right to legislate for Ireland by naming Ireland in the Act, and not only claimed, but exercised that right repeatedly, as I have shown. They further proved, that the Act of George I. was a declaratory law only; and therefore, they insisted, that by the simple repeal of the Declaratory Law, the right to pass such a law remained just as it had been before, for that there was no renunciation of the right.

It is considered that Grattan was defeated in the argument, and that Flood argued the law of the matter better than most of the lawyers who spoke on the vexed question. I invite the student to read the argumentative and closely reasoned speeches of this distinguished Irishman. He was a county member and a country gentleman, but how educated? His father, who was Chief Justice of the Queen’s Bench, sent him to our University, then to Oxford, then to the Temple to acquire the general principles of

law and of the Constitution, then to write odes and to travel; then the County of Kilkenny returned him to Parliament, where he worried the Attorney-General, puzzled the lawyers, irritated the patriots, and convinced the Volunteers.

While Flood said he was opposed to the principle of an Union with England, he yet, inconsistently enough, asked for the same legal, fundamental, unalterable security for Ireland as England granted to Scotland, when the Union with that country was effected. He likewise insisted that England had only given up internal legislation, but not external legislation, as to Ireland. This should be noted carefully; for under the words *external legislation* was to be included commercial, colonial, and marine legislation. Flood maintained that unless England expressly renounced all right of external legislation, she would still have it, and exercise it over or against Ireland when it suited her; and he did not believe England intended to renounce *that* power. His language was pure and lofty; he concluded an able speech thus—"Were the voice with which I utter this, the last effort of an expiring nature—were the accent which conveys it to you, the breath that was to waft me to that grave to which we all tend, and to which my footsteps rapidly accelerate—I would go on; I would make my exit by a loud demand of your rights; and I call upon the God of truth and liberty, who has so often favoured you, and who has, of late, looked down upon you with such peculiar grace and glory of protection, to continue to you his inspirings, to crown you with the spirit of his completion, and to assist you against the errors of those that are honest, as well as against the machinations of all that are not so."

Flood failed for the time,—Grattan for the time triumphed.

I turn to the Summary of the Parliamentary History of England at this period, supposed to have been written by Burke—Dodsley's Register—and I find it there said, "the mode of

procedure adopted by Mr. Fox was simply to repeal the 6th George I., because it was apprehended Parliament could not be induced to a renunciation of the legal right to legislate as she had done." The writer maintains the view of Flood, that an act of renunciation was necessary—a mere repeal of a declaratory law insufficient.

The session of Parliament ended, the Volunteers and the public generally differed from Grattan, and agreed with Flood—there must be an act of *renunciation of right* on the part of England. The rival orators tried to fight a duel with the pistol, were arrested, and failed, and returned to Parliament to fight a duel with the tongue. There was a great disparity in years between them. Flood had been twenty years in Parliament when Grattan was only seven. Their feelings were excited—I think Grattan's most; and when, upon a motion for retrenchment by Sir H. Cavendish, Flood, in October, 1783, spoke in favour of it, alluding to his bodily infirmity, Grattan said he would not occupy the time of the House by apologising for infirmity, or the affectation of infirmity,—“I shall not speak of myself, having never apostatized.” He then twitted Flood, amongst other misdeeds, with having voted 4,000 men to butcher our brethren in America. He “thought the motion for retrenching ill-timed.”

Flood arose instantly, and delivered his celebrated reply, summing up all Grattan's shortcomings in the most bitter manner:—“I do not come here, dressed in a rich wardrobe of words, to delude the people. I am not the gentleman who subsists on your accounts. I am not the mendicant patriot who was bought by my country for a sum of money, and then sold my country for prompt payment. I never was bought by the people, nor ever sold them. I object to no man for being in office: a patriot in office is more the patriot for being there. There was a time when the glories of the great Duke

of Marlborough shrank and withered before the right honourable gentleman—when palaces superior to Blenheim were to be built for his reception—when pillars and pyramids were to be raised and adorned with emblazoned inscriptions sacred to his virtue; but the pillars and pyramids are now sunk, though then the great Earl of Chatham was held inferior to him. However, he is still so great that the Queen of France, I dare say, will have a song made on the name of Grattan.”

The satire of Grattan, I fear, would not to-day be considered as delicate or courteous :—

“But it is not the slander of the bad tongue of a bad character that can defame me. I maintain my reputation in public and in private life; no man who has not a bad character can say I ever deceived him; no country has ever called me cheat. I will suppose a public character, a man not now in this House, but who formerly might have been here. I will suppose it was his constant practice to abuse every man who differed from him, and to betray every man who trusted him. I will suppose him active; I will begin from his cradle, and divide his life into three stages: in the first he was intemperate, in the second corrupt, and in the third seditious. Suppose him a great egotist, his honour equal to his oath, and I will stop him and say, ‘Sir, your talents are not so great as your life is infamous; you were silent for years, and you were silent for money. When affairs of consequence to the nation were debating, you might be seen passing by these doors like a guilty spirit, just waiting for the moment of putting the question, that you might hop in and give your venal vote; or at times, with a vulgar brogue, apeing the manners and affecting the infirmities of Lord Chatham; or, like a kettledrummer, lather yourself into popularity to catch the vulgar; or you might be seen hovering over the dome,

like an ill-omened bird of night, with sepulchral notes, a cadaverous aspect, and broken beak, ready to stoop and pounce upon your prey. You can be trusted by no man; the people cannot trust you—the ministers cannot trust you; you deal out the most impartial treachery to both. You tell the nation it is ruined by other men, while it is sold by you. You fled from the embargo—you fled from the Mutiny Bill—you fled from the Sugar Bill. I, therefore, tell you, in the face of your country, before all the world, and to your beard, you are not an honest man!”

If all this invective was unpremeditated, the politicians of that time had a wonderful talent for abusing each other. The abuse is too gross, too personal, too offensive to please; and it was quite proper to send the police after the right honourable gentlemen to overtake them before one or other lay dead in the Fifteen Acres. Flood was caught by Alderman Exshaw; Grattan escaped, and was ready for the fray. A few days subsequently, Flood claimed to be heard in his vindication. There was a natural indisposition to allow a renewal of the quarrel. He exclaimed: “The meanest criminal in the land is entitled to be heard in his defence; refuse me, if you dare.” He was then allowed to proceed, and delivered a dignified and masterly defence of his past conduct, with an account of his life. It is even now worth perusing, because it presents a picture, not only of the man, but of the Irish House of Commons and of the time. Immediately after Flood sat down, Grattan rose; but the adjournment was carried, and nothing more was heard of this memorable dispute.

When I was a student in the University, I had the honour of being acquainted with the late Peter Burrowes—then a fine, hearty old gentleman, who was full of genial humour and kindness, especially to young men. He had made a

noble figure himself in the Irish Parliament, and had afterwards at the Bar distinguished himself on great occasions. I heard him tell of young Emmett, whom he had defended, and of his dying speech, with tears in his eyes. Burrowes had been an early friend and admirer of Flood, whom he described as a very dignified and stately speaker, with an impressive manner and lofty air. He said Flood had a false palate, which he was obliged to introduce into his mouth before he rose to speak, and this may have affected his voice, and caused what Grattan described as "a sepulchral note." His nose seems to have been short: this his rival called "his broken beak;" his face pale, which made "the cadaverous aspect." There is a portrait of Flood in the dining-hall of our University; it answers the description we have of his person. Grattan's portrait adorns, in volunteer uniform, the same honourable place. The statues of Pitt and Fox are not far asunder in Westminster Abbey. As we behold these perishable memorials of the great dead men of our country, we may exclaim, how deplorable that talents so vast, eloquence so splendid, genius so transcendent, were not employed in the cause of a common country, instead of being perverted to personal quarrels and party disputes! To differ in opinion is the right of freemen; but life is too short and too precious a trust to be wasted in personal recriminations and passionate invective. If in the exciting discussions of the age, I incline to Pitt, it is not because I do not admire Fox; and if I am rather disposed to side with Flood, it is not that I fail in my homage to the genius of Grattan. May their patriotism inspire the youth of our land to love and serve their country—may the improved temper of the times, a better education, and a more Christian spirit, teach our youth to avoid what was mischievous in their grand example!

A biography of Flood was written by a relative, Mr. Warden Flood. An admirable sketch was drawn of him in the *University Magazine* by the late Rev. Samuel O'Sullivan. Peter Burrowes wrote : "I had indulged the vanity of myself recording to posterity the history and personal qualities of perhaps the ablest man Ireland ever produced—indisputably the ablest man of his own time." I regret we have not such a biography; for no one can write worthily of a great character but one who has in himself elements of greatness, and such there were in Burrowes. You may be aware that Flood, while he was a Member of the Irish House of Commons, was elected also into the British Senate. In a recent valuable publication, I mean "The Life of Pitt, by Lord Stanhope," it is said that Flood tried his powers with indifferent success in the debates upon Fox's India Bill. The speech on Parliamentary Reform is also unfavourably mentioned. There is, however, a speech of Flood's not noticed by Lord Stanhope, which, spoken in reply to Pitt's plan for a commercial treaty with France, possesses, apart from its very questionable policy, a high order of merit. Lord Stanhope details the anecdote in which Grattan is made to account for the comparative failure of Flood in the British Senate. "He misjudged," said Grattan; "when he transplanted himself to the English Parliament; he forgot that he was a tree of the forest, too old to be transplanted at fifty." I thought the words were, "He was an oak of the forest, too old to be transplanted." Lord Stanhope adds, with the severity of an English critic: "Of this truth, which Grattan states in so solemn a strain, Grattan himself, at a still later period, was to be a conspicuous example." I have read the orations of these two celebrated orators of my country—I have heard the foremost orators of the Imperial Senate, and I venture to think Grattan and Flood could not have failed in that assembly, although their success would

have been more brilliant had they commenced their career in England with their rivals. It remains to add, that Flood devised a noble estate to the University of Dublin, the rents to be chiefly applied to collecting and publishing manuscripts and matter which lay hid in the Irish language, and which might illustrate the antiquities, the literature, and history, so ancient and illustrious. The devise to our venerable University was successfully disputed in a court of law.

If I were asked what was the conduct of the gentlemen in the Irish House of Commons, apart from the violent party and personal disputes to which I have referred, I would answer—admirable. They applied their minds, after 1782, to measures of high value and importance, which a sensible Government would long before have undertaken. The independence of the Judges was secured; the office of Master of the Rolls was reformed; he was no longer permitted to be an absentee and pensioner, but converted into what the present Master of the Rolls is—one of the most useful, learned, and indefatigable of our working judges; the criminal law was attacked for its severity in inflicting so generally the punishment of death; the prisons were criticised; freedom of election was secured; revenue officers and placemen excluded from voting; the public accounts laid open and referred for scrutiny to a well-chosen committee; the Mutiny Bill assimilated to the English law; the absentee Irish Chancellor of the Exchequer was warned he must come home, or be abolished; and, lastly, the Recorder and members for the city had the glory of introducing a measure for conferring upon Ireland the blessings of the Habeas Corpus Act, in order to preserve public liberty against the attacks of arbitrary power. The Secretary said, “by usage the Irish Judges had acted on the doctrine of the Habeas Corpus Law,” but admitted fairly it was essential to establish that fundamental right by positive law,



when it only depended on the force of custom. I mention these results with satisfaction, for it is more agreeable to praise than to censure. The conduct of the Parliament, then, after 1782, was praiseworthy.

Public events of a startling nature now succeeded. The Volunteers elected a Parliament of their own, and called it a Convention. They sat in state in the Rotunda (while the other Parliament sat in College Green); passed their resolutions in favour of parliamentary reform; and a number of their body marched down in red coats to the House, to carry the measures, as before, at the point of the bayonet. There was an uproar in the House, when the Attorney-General proposed that the House should refuse to receive or listen to the Bill, on the ground that it came from an armed Convention, saying: "When the Volunteers turn aside from their honourable conduct—when they form themselves into a debating society, and with that rude instrument, the bayonet, probe and explore a constitution which requires the nicest hand to touch—I own my respect and veneration for them is departed." The House sustained its dignity, and refused to submit to the insult put upon them; and the Convention, having no root in the popular mind, speedily dissolved. This tumult occurred shortly after the constitution of Ireland had been, according to Mr. Grattan, firmly established, but before it was a twelvemonth old. A ring-leader in the political disturbance was a bishop—Earl of Bristol, the vain, eccentric, and restless Bishop of Derry. He resembled, in his political ambition, Boulter and Stone, but wanted their craft to conceal his designs. Of course, he was the opposite of our apostolic Berkeley. He would be Secretary of State or Lord Lieutenant—anything but what he ought to have been, from the sacred character he assumed. He disputed with Lord Charlemont for the leadership of the

Volunteers. Of course, he was an English Bishop, imported into the kingdom by the political undertakers who cared nothing for religion—everything for their faction. He spent most of his time in Italy pursuing pleasure—returned to Ireland when he required political excitement, or wished to create political disturbance. He published treasonable pamphlets, for which he narrowly escaped prosecution. Mr. Hardy thus describes the progress of this prelate through the country:—"He seemed to court, and was received, with all warlike honours; and I remember seeing him pass the Parliament House in Dublin (Lords and Commons were then both sitting) escorted by a body of dragoons, full of spirits and talk, apparently enjoying the eager gaze of the surrounding multitude, and displaying altogether the self-complacency of a favourite Marshal of France, on his way to Versailles, rather than the grave deportment of a Prelate of the Church of England." That any rational assembly would allow itself to be dictated to by such a flighty Prelate, was out of the question. It was curious, if not comical, the Bishop was for admitting the Roman Catholics to all the privileges of the Constitution, to which the layman, Lord Charlemont, a decorous Whig, was strongly opposed.

There was a second motion in favour of Parliamentary Reform, which, being rejected, led to a serious tumult, when some rioters broke into the House of Commons, and were apprehended by the sergeant-at-arms. The mania for reform subsided; it had never been felt by the Roman Catholics, who, according to the plans of the most vehement reformers, were to be excluded. The pressure of distress was now trying amongst the manufacturers and traders of the kingdom. This distress was aggravated by the effects of the non-importation agreement which had been most absurdly taken up against England, and which now punished its

authors. There was also a well-founded complaint on the part of the Irish traders, upon the score of the high duties which England imposed upon the traffic between the two countries, and which the political revolution had only relieved in the smallest degree. The result was disturbance and confusion over the kingdom. Politics, depressed trade, reform, consumption of home-made articles, Whiteboys, Lord Bristol, and Napper Tandy, made up a scene described partially by the Duke of Rutland to Mr. Pitt, in August, 1785 :—

“This City of Dublin is in a great measure under the dominion and tyranny of the mob. Persons are daily marked for the operation of tarring and feathering ; the magistrates neglect their duty, and none of the rioters—till to-day, when one man was seized in the fact—have been taken, while the corps of Volunteers in the neighbourhood, seemed, as it were, to countenance these outrages. In short, the state of Dublin calls loudly for an immediate and vigorous interposition of Government.” The writer of the above letter was the Duke of Rutland, Viceroy of Ireland—brilliant, gay, chivalrous—whose court was celebrated for hospitality and splendour. His despatches or letters to Mr. Pitt, and the replies of the great statesman, throw much light on the Parliamentary life of Ireland at that epoch. During the period covered by these unconstitutional proceedings, a question arose of considerable importance, and even now deserving notice and investigation. A bustling, presuming dabbler in sedition, named Napper Tandy, thrust himself forward as a political reformer ; his great soul was touched by the oppression of his country—(according to Mr. Grattan and the patriots, just set free by two revolutions)—and his big understanding and profound learning suggested or approved the holding of a National Congress in Dublin, in order to unsettle the old Constitution and settle a new one, contrived, fashioned, and

polished by Napper Tandy and his fellow-townsmen. The Sheriff of the County of Dublin, one Reilly, misled by this vain pretender, while his duty was to hold an election for members of Parliament only, thought it convenient to issue his own writ of summons to the county to choose members to sit in a Congress, which was, to despatch the old Parliament, and coin a new one out of the mint of Napper Tandy's brain. On this occasion, I am happy to say, Mr. Grattan took the wise and constitutional course of disapproving of the movement towards a National Congress, as irreconcilable with any settled form of government whatever. Meanwhile, the Attorney-General, a vigorous man, Fitzgibbon, afterwards Lord Clare, walked into the Queen's Bench, and upon an authenticated statement of Mr. Sheriff Reilly's pranks, had him at once attached for gross breach of duty in his office. The attachment was not only issued against Reilly, but the Attorney-General threatened to attach every Sheriff in Ireland who would presume to issue a summons, or to convene a county to choose members to sit in a National Congress, in order to overawe Parliament, and overthrow the Constitution. The disaffected and seditious always complain of the law which they intend to upset being put into force against them. Accordingly, a loud complaint was made of the unconstitutional conduct of the Attorney-General, for his very successful and summary assertion of the law against Reilly, who contended he should have been tried by a jury to be returned by himself. The subject was brought before the House of Commons, and debated with great ability and learning, both by the country gentlemen and the lawyers. Many sensible men did not relish this mode of setting aside trial by jury, and one eminent individual, Mr. Michael Smith, afterwards Master of the Rolls, and from whom our present distinguished judge is descended, argued ably and learnedly against this use of the process of attachment.

The debates on the constitutional question occupy a considerable portion of the volume recording the Irish Parliamentary discussions for 1785. The Attorney-General met the matter boldly; said the proceeding was wholly by his authority; that he would allow no minister to tell him how he was to bring a criminal to justice, and declared that Mr. Reilly's crime was little less than misprision of treason; that he had resisted the Parliament, traduced the Government, betrayed his trust, and presumed to avow that he, with Napper Tandy and Co., their lives and fortunes, would support whatever plan the Convention should devise for reforming Parliament. He, the Attorney-General, had attached Reilly, "and although another quibbling, prevaricating Sheriff had escaped by shuffling and skirmishing behind the duplicity of equivocation, if he could catch any other official offending in like manner, he would meet them with a like punishment." The House backed the resolute law officer by a considerable majority; the Congress was dissolved, and Napper Tandy had to devise another method for his treason.

Mr. Pitt determined to investigate for himself the state and condition of the trade and commerce between the two kingdoms, and especially the restrictions which fettered the trade of Ireland with England. The history of this important transaction puts in a striking point of view the difficulty, nay, the impossibility, of managing two Parliaments, or of conducting the affairs of a common empire when two great parts of that empire were governed by different political bodies, and supposed to be suited for the application of different political and commercial legislation.

Unassisted reason would seem to suggest that Ireland as she was, and is, should have been regarded as a part of Lancashire or Yorkshire. Instead of this simple method of viewing a question of trade, we have the Prime Minister

of England applying for months the powers of his vast intellect to the subject of a treaty of commerce between the two kingdoms, to be submitted first to the English Parliament, and then to the Irish Parliament, in the hope that the treaty would be ultimately agreed to by the opposing independent states. Pitt laboured at his task incessantly; summoned to England the heads of departments—corresponded, consulted, and systematized the plan which he fondly hoped might lead to a final adjustment of a difficult, though practical subject between the two kingdoms. One letter from Mr. Pitt to the Duke of Rutland, upon this question, fills eighteen pages of print; Lord Stanhope says it is the longest letter he ever saw of Pitt's; and I would fondly hope it is the longest letter ever seen in the world. The design of Pitt was statesmanlike—his exposition of policy luminous; while the language he employed towards Ireland was kind, cordial, affectionate. Eleven propositions were sent over to the Duke of Rutland, as the foundation of the proposed treaty. They were eminently favourable to Ireland. It was proposed to allow the importation of the produce of all other countries, through Great Britain into Ireland, or through Ireland into Great Britain, without any increase of duty on that account. It was proposed, as to any article produced or manufactured in Ireland, or in England, where the duties were then different, on importation into either country, to reduce those duties in the kingdom where they were highest, down to the lower scale. And it was asked from Ireland, that where the gross hereditary revenue should rise above a fixed sum, the surplus should be appropriated towards the support of the naval force of the empire. These propositions passed through both branches of the Irish Legislature, were remitted to England, and by Pitt laid before the British House of Commons. He was immediately attacked

by Fox and the Whigs, aided by Lord North, who one and all declared themselves the uncompromising enemies of free trade. And these factious men declared that in the interests of the British manufacturers they could not allow Irish fustians to be brought into England, to ruin English manufacturers. The fustian they affected to fear, was nothing to be compared to the fustian of their speeches. The enlightened views of the great Conservative minister were, in a measure, baffled by the shameful opposition of Fox, and of his friends in Parliament, and of the thick-headed cotton manufacturers out of the House. The result was, that Pitt was coerced to introduce exceptions and limitations. The eleven propositions grew up to twenty; the additional propositions relating to various subjects: patents, copyrights, fisheries, colonial produce, navigation laws—the enactment as to which was, that whatever navigation laws were then, or should thereafter be enacted by the Legislature of Great Britain, should also be enacted by the Legislature of Ireland; and, in favour of the old East India Company monopoly, Ireland was debarred from all trade beyond the Cape of Good Hope, to the Straits of Magellan. It will be perceived by men of business that this was a commercial affair, touching the trade and manufactures and commerce of the two kingdoms with each other and with the colonies of England, for Ireland had already obtained free trade with other countries.

There seemed to be nothing hurtful to the pride of Ireland in the affair. But when Fox found that his great rival defeated him on the commercial part of the question, he artfully, as Lord Stanhope shows, changed his ground of attack, and, availing himself of the limitations which Pitt had been compelled to introduce into his original scheme, Fox cried out that this was a breach of Ireland's newly granted independence. "I will not," said Fox (I say, with incredible hypo-

crisy, or with incredible folly)—“I will not barter English commerce for Irish slavery; this is not the price I would pay, nor is this the thing I would purchase.”

I have in my possession a thick book of pamphlets, speeches, and comments on these once celebrated resolutions. In the collection is the speech of Sheridan in the English House of Commons in support of Fox. Our brilliant, but not very scrupulous countryman, seizes on the fourth amended resolution of Pitt, namely, that the law for regulating trade and navigation should be the same in Great Britain and Ireland; and therefore, that all laws which should be made in Great Britain for regulating the trade of the British colonies and plantations—such laws, conferring the same benefits and imposing the same restrictions on the subjects of both kingdoms, should be in force in Ireland, by laws to be passed by the Parliament of that kingdom, for the same time and in the same manner as in Great Britain. Sheridan, I say, with infinite art, seized on this resolution, and insisted that here was a resumption on the part of England of the right of *external* legislation over Ireland, which had been so lately renounced for ever. He repeated the word ‘external,’ and mischievously and erroneously asserted, if Ireland contracted to have the same laws in matters of trade and navigation with England, she, Ireland, was for ever enslaved. His amusing illustration was well contrived to touch the pride of his countrymen:—

“Ireland, newly escaped from harsh trammels and severe discipline, is treated like a high-mettled horse, hard to catch; and the Irish Secretary is to return to the field, soothing and caressing him, with a sieve of provender in one hand, but with a bridle in the other, ready to slip over his head while he is snuffling at the food. But this political jockeyship (he was convinced) would not succeed; Ireland would spurn at any offer to which such a condition was to be annexed.”



This was exactly the style of discourse to excite the anger and inflame the pride of the Irish people. When the twenty propositions of Mr. Pitt were returned to the Irish Parliament, they encountered a fierce and protracted opposition. Mr. Grattan's speech has been extolled as one of his ablest; it is not intemperate. His chief objection was to the fourth resolution, by which, he said, "We are to agree to subscribe whatever laws the Parliament shall prescribe respecting navigation; we are to have no legislative power. Here there is an end of your free trade and your free Constitution." He also curiously objected, that the measure was "an Union—an incipient and a creeping union—a virtual union, establishing one will in the general concerns of commerce and navigation, and reposing that will in the Parliament of Great Britain." A fair objection; for it is true that an uniformity of laws might lead to similarity of sentiment, and to an Union. In vain it was answered—Ireland might stipulate to accept the terms for a limited time, reserving a right to her Parliament to get rid of the treaty, and the condition of uniform legislation in matters of trade and commerce, whenever it should appear that England gave cause for such a course, by violating the letter or spirit of her agreement. Dublin was illuminated; the people exulted in the abandonment of the scheme. Pitt's failure in carrying the Irish commercial measures was a deep disappointment—a bitter mortification; so writes his biographer. Fox, as the champion of high protective duties, and as the inflexible opponent of free trade, enjoyed in many quarters the gleam of returning popularity.

The great minister was defeated by a combination of ignorance, prejudice, and faction. But assuming that the opposition to a project, the preparation of which cost Pitt a twelvemonth of labour and preparation, was sincere and well-founded, how overwhelming the argument for one Par-

liament—one State—when it was impossible, by the talents and application of all the able men of the two kingdoms, to arrange a treaty which should regulate the trade and commerce of the two nations. I remark, in a letter from Lord Charlemont, November, 1786, to Flood, after this transaction, that he writes—“The English papers have lately been infested with the *idea of a Union*, but, except from them, I know nothing of it.” In my judgment, it was natural such an idea should take root in the public mind; for if it appeared to be impossible, even for Pitt, to carry measures of the utmost importance to the business of daily life, through *his* Parliament, it must have suggested to his mind, and to the minds of others, that the remedy lay in compounding the two conflicting bodies into one manageable body. It is not a little remarkable, that at the very moment that orators and politicians were haranguing on the blessing of an independent Parliament, the idea of a Union appears to haunt their imagination; and the possibility of it seems to have been contemplated from the very conduct they adopted.

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## CHAPTER X.

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PECULIARITIES of George III.—His unexpected Illness—William Pitt the Younger—His Character and brilliant Career—Lord Chancellor Thurlow—His Duplicity detected by his Hat—Schemes of the Advisers of the Prince of Wales—Lord Loughborough's treasonable Designs—Debates in England on the Regency Question—The same Question in the Irish House—Fatal Error committed by Mr. Grattan and his Friends—Lord Clare's Speech—Mr. Wellesley Pole—An unconstitutional Address carried—Refusal of the Lord Lieutenant to transmit the Address to the Prince of Wales—Delegates appointed by the two Houses to offer the Regency to the Prince—Their Reception—Irish Whigs the real Authors of the Union.

I MUST transport you, in mind, from Ireland and its Parliament, to England, her minister, her monarchy, and her vicissitudes, in the year 1788.

William Pitt the younger, son of the great Chatham, had been bred to the Bar—held a few briefs—was diligent, and capable of excelling in law or in any other pursuit in which mental excellence could be displayed. He entered Parliament a youth, stood by his sovereign in an hour of difficulty and trial, won the confidence of the House by the soundness of his judgment, and swayed it by the majesty of his eloquence. Disinterested, patriotic, resolute, and wise, he gained daily on the nation—defeated all his opponents, however gifted, however eloquent, however artful; and became, at an early age, the most popular Prime Minister except his father, England had ever seen. While he enjoyed the confidence of his sovereign and favour of the people, he

was opposed by the Whigs, who were led by chiefs of wonderful ability, but of slender judgment : these chiefs had, for a time, rendered themselves more powerful by an astounding coalition with Lord North, whom they had long and acrimoniously opposed. In addition to these advantages, the Prince of Wales, heir-apparent to the crown, had attached himself to the leaders of the Whig party, in whom he appeared to repose implicit confidence. King George III. respected and trusted Pitt ; but King George walked too far before breakfast, rode too much, worked too hard at public business, lived too sparingly, got bilious, and eventually suffered from temporary derangement. It surprises me that the King did not bury all his ministers, because he stood or walked all the time they were with him on business, whether from a desire of exercise or in assertion of prerogative, I know not ; but after a three hours' conference on foot, his Majesty must have left his peripatetic ministers wearied enough by their labours. However, with gouty monarchs the practice should conduce to brevity of speech. In the *Life of Mackintosh*, by his son, there is a wonderful letter from the celebrated Robert Hall to Sir James, reasoning, in a calm way, on what he felt to be an approaching attack of insanity. We may now read a note, sensibly composed, from the King to Mr. Pitt, in which he seems to prepare for this sad event. He felt it, and exclaimed pathetically to the Duke of York, "I wish to God I may die, for I am going to be mad." The malady grew worse, the disease appeared to be confirmed, and the position of Mr. Pitt became no less critical than the condition of the government of two kingdoms.

Pitt was assisted by an able, unscrupulous colleague, Lord Thurlow, his Chancellor, whose true character was that of a grasping, selfish, arrogant, ambitious, able man,—looking to his own interests chiefly, and in all things the opposite

of Pitt, who looked to the interests of the monarchy and of the country. The Prince of Wales naturally expected to be Regent during the illness of the King, but feared Pitt would propose to limit the exercise of the royal power in a manner which might be distasteful to one who naturally wished to do what he liked. The Prince had a follower named Payne, and a confidential adviser in Richard Brinsley Sheridan, our celebrated but not very sensitive countryman. Sheridan guessed at the character of Thurlow, the Chancellor, and thought he might be bribed by the promise of the Chancellorship from the Prince, to undertake to defeat in the Lords whatever his colleague, Pitt, might propose in the Commons, by way of limitation on the powers of the prospective Regent. Sheridan was the undignified negotiator; the Lord High Chancellor of England took the bribe, and promised to be as perfidious to Pitt as the Prince could desire. It appears that Thurlow, against all good faith and notions of honour, used to steal round to the Prince's apartments in Windsor, either before or after the Cabinet Councils then held in the Palace, and there communicate with the Prince as to their future plans and schemes. Pitt, for a time, was deceived. Eventually, according to Lord Stanhope, in his "Life of Pitt," and to Lord Campbell in his "Lives of the Chancellors," the old fox, Thurlow, was detected by his hat. On the occasion of a Cabinet Council at Windsor, the Ministers were assembled to depart, but Thurlow was detained for want of his hat. A brisk search was made. At last, a page came running with the hat of the Chancellor in his hand, saying aloud, "My Lord, I found your hat in the closet of His Royal Highness the Prince of Wales." The brazen-faced Chancellor was confounded. The Ministers heard what was said, and the hat so found opened the mind of Pitt to the treachery of his colleague. Honesty is gene-

rally an overmatch for roguery, as the result proved. Fox was recalled from Italy, and was obliged to swallow the pill Sheridan had ready for him respecting the Lord Chancellor. "I do not remember," wrote Fox, "ever feeling so uneasy about any political thing I did in my life." *But he did it.* He saw what was right and approved, but he followed what was wrong. "*Video meliora probroque deteriora sequor.*" Another lawyer, fully equal to Lord Thurlow in morals, then appeared on the scene—Lord Loughborough. He was adviser of the Prince, and wished to be Chancellor. Disappointed in that expectation by Thurlow's treachery, he was ready to clutch the next best thing to be got. We have his precious Life, written by the late Chancellor of England, Lord Campbell, who has taken infinite pains to expose the frailties of his predecessors (his own Life has not yet been written); and the fact appears, astonishing though it be, that this man, Lord Loughborough, drew up a paper, in his own handwriting, suggesting that the Prince of Wales, as next heir, might and ought to seize the Regency, without any authority from Parliament whatever. Fox would not listen to this device, or at least would not act on it; though he would argue that the right of the Prince was indefeasible, and not to be fettered by Parliament. So Lord Loughborough's treason did not take. His design, somehow, was discovered by Pitt's Ministry. I suppose the treasonable scheme was found out by the smell of the paper on which it was written; for I have remarked treasonable documents have an unpleasant smell. The Ministers were resolved, if Lord Loughborough's project was propounded, immediately to arrest him for high treason, and consign him to the Tower, a resolution of which I heartily approve; because I think a Lord Chancellor should be hanged as readily as any other criminal, if he deserved it. His wig ought not to save his head, if

guilty ; and if this noble and learned Lord really harboured the guilty design imputed to him, and had dared to execute it, the Parliament would have shrunk from its duty, if it had not impeached him.

The English Parliament, at this strange and eventful crisis, was to meet on the 4th December, 1788. Its proceedings must be studied with attention by any one who desires to comprehend the policy of the Irish Parliament, and the behaviour of Irish statesmen. When we trace the life and death of a remarkable personage, we naturally desire to ascertain when he caught his mortal disease, how long he lingered, and when he died. We behold the Irish Parliament, at this memorable epoch, apparently in full possession of life and health. We are engaged on a close inquiry into the causes from which it caught the consumption of which it painfully lingered, and after long suffering and severe convulsions, died in the year 1800, receiving a high character and respectable interment.

A great constitutional question arose when the unsoundness of mind of the King was ascertained. The throne was not vacant ; the King was living ; and his political capacity was complete ; but his bodily health affected his mind, and in consequence he was incapacitated from the active discharge of the duties belonging to the Sovereign of England. He had not abdicated—he was not civilly dead, but might fairly be expected to recover his reason, and resume his royal power. In the interval, who was to exercise the sovereign authority, discharge the functions of royalty, and govern the kingdom ? In the next place, with what limitations, restrictions, and subject to what conditions, was the individual who was to be substitute for a king, to be appointed ? The Prince of Wales, afterwards George IV., it should be remembered, was of full age, and

heir apparent to the crown. The precise case had not before arisen in our history. There was an instance, in the reign of Henry VI., where the exercise of royalty had been interrupted by severe illness; but the heir apparent was not of full age. Parliament, in that instance, decided upon the person and power of the Regent; and even when looking forward to the majority of the heir apparent, and to his then becoming Regent, they did not grant to him, as such, the full power of sovereignty; proving, by the limitations they imposed, that they did not allow he had any absolute right to be deputy king. The theory of Mr. Pitt was, that the Prince of Wales had no absolute right, while his father lived—the crown being entire and the monarchy full—to be appointed Regent at all; that it was for the wisdom of Parliament, which at the Revolution had called William to the throne, when James II. had abdicated, to decide what person was to be Regent, and with what power and limitations he was, in the meanwhile, to exercise the royal functions—which functions were to be resumed by the rightful monarch, upon the recovery of his bodily and mental health. The Prince of Wales had flung himself into the arms of the Whig chiefs; he disliked Pitt—cherished Fox, Sheridan, Burke, and their friends; and a brilliant Council they formed around the Prince, through whom they naturally looked forward to rule the empire. Their object was to have the Prince made Regent, as if the King were dead, and to have everything their own way. Pitt was for his King, for the laws, the constitution, and the liberties of England. The memorable debate began. Fox, unluckily for his fame as a statesman, and his common sense as an Englishman, contended that the Prince of Wales had as clear a right to assume the reins of government (as a daring lawyer had proposed), and exercise the powers of sovereignty, during the illness and incapacity



of the King, as if his Majesty had undergone a natural demise. I may venture to remark, that doctrine more unfounded in principle, and more practically mischievous, was never advanced by a public man. The well-known anecdote has been often repeated, that when Pitt heard the Whig Chief propounding these unconstitutional, and indeed slavish doctrines, he slapped his thigh, and exclaimed to the friend next him, "I'll *unwhig* the gentleman for the rest of his life."

I have read the debate which ensued, with the liveliest interest; and although I am naturally prejudiced in favour of my distinguished countrymen, Burke and Sheridan, and although full of admiration for the eloquence of Fox; yet I am bound to declare, that never were public men so defeated in argument, so overthrown in debate, so utterly routed, as they were by the masterly sense and the majestic eloquence of Pitt. His boldness also was consummate. He said, "To assert a right in the Prince of Wales, or any one else, independent of the two Houses of Parliament, was little less than treason to the constitution."

The zeal of the Prince's friends to make him king before his time, ruined his cause with the Parliament and the public. Pitt got his committee—investigated the precedents—examined doctors—prepared his resolutions—out-argued and out-voted his opponents, although not a few of his followers were willing to worship the rising sun. The resolutions were framed on the rational principle that the Parliament was not placing a king upon the throne, as the throne was full, but providing for the temporary exercise of the supreme executive power, guarding against any embarrassment in the resumption of the regal authority, when God, in his providence, should permit the rightful holder again to exercise it. By one humane resolution, Queen Charlotte was to have exclu-

sively the guardianship of the King's person; and the whole household of the King was put under her authority. By another resolution, the Regent was to exercise no power over the personal property of the King. By another resolution, the Regent was to be prevented from granting patent places, reversions, or annuities for life, except to judges and others; and then we have the most important resolution of all, restraining the Regent from the power inherent in the crown of granting peerages, except to any son of his Majesty being twenty-one years of age. All these admirable resolutions were debated in succession, with signal ability on the part of Pitt, and opposed with misdirected energy and perverse logic by Fox. Burke was vehement—personal—I am forced to say, at times absurd, passionate, and wrong. Sheridan did everything on the wrong side for a royal patron, who was nevertheless unmindful, in the hour of poverty, of his genius or services. The result was, that Pitt carried all his resolutions with triumphant majorities, and amidst the acclamations of the people. It is a fact particularly to be remembered, that Mr. Grattan had crossed over to England, and sat under the gallery during these debates on the Regency. He heard and saw everything, and was, no doubt, in constant correspondence with Fox and his friends. There is printed, in the edition of Pitt's Speeches the correspondence between the Prince of Wales and Pitt, touching the foregoing resolutions. When Pitt resolved upon his course, he submitted the intended resolutions, with a respectful letter, to the Prince. The Prince consigned the delicate task of replying to Pitt into the hands of Burke. The paper drawn up by our countryman is a masterpiece of dignified composition. This document should be carefully studied by the young men who make the history of our politics a part of their education. It was said of Oliver Cromwell, that he was found

equal to every station he was called on to fill in life. When young, he looked carefully after his father's brewery; when elected a Member of Parliament, he sat on a committee with Sir Mathew Hale, to amend the laws; when he became a captain, no officer drilled his men so well; when he became a general, he showed the genius of a great commander; and when he became a king, he proved that he had kingly qualities. Now, when Burke was required to think, and to reason, and to write like a king, and to such a statesman as Pitt, he found himself equal to the task; and had he never written another line of politics, this admirable composition would have placed him amongst the foremost of political writers, if not of public men. I am glad to perceive Lord Stanhope does full justice to our countryman on this point, pronouncing the Prince's reply "to be one of the best state papers in the English language, and which should enhance our admiration of the transcendent powers of Burke." This, however, was Burke with the pen, not Burke with the tongue. A glorious constitution that must be, which could secure to the son of a respectable attorney on Arran-quay, the lofty position of confidential adviser and friend of the heir to the proud monarchy of England!

Now, for a moment open the biography of Lord Thurlow, composed by the late Chancellor, Lord Campbell. Thurlow saw Pitt was likely to win, and from reading secret reports of Dr. Willis, guessed that the King might recover; he, therefore, felt he ought to lose no time in breaking his bargain with Fox, and that he ought not to betray Pitt till he could do it with advantage. But Thurlow felt he was under an obligation to see Fox, and to beg of that eminent Whig to let him off the bargain he had made, in his absence, with Jack Payne and Sheridan. Fox afterwards described the scene between himself and Thurlow as being highly amusing. The

Chancellor got rid of the unpleasant part of the business quickly — was very candid and explicit ; then, having relieved his mind, and clutched the Great Seal, as Pitt's colleague, he changed the conversation ; and Fox, laughing, said he never heard the old rogue talk better of France, of Spain, of Warren Hastings, and — *O tempora, O mores!* — of Demosthenes and Cicero. I ought to mention, the Chancellor had one useful quality possessed by Oliver Cromwell—he could cry whenever he liked. Accordingly, he resolved to cry in the House of Lords, and to amaze the nation. When the King was likely to recover, and the Regency question was under debate, he spoke ; his affection for his sovereign overcame his nice and tender feelings, and he burst into tears ; then exclaimed, that their first duty was to preserve the rights of their sovereign entire, so that when God should permit him to recover, he would not be in a worse situation than before his illness ; then, in a fit of weeping enthusiasm, he ejaculated, “ When I forget my King, may my God forget me ! ”

Two remarkable, though very different, men were standing at the bar, and looking at Thurlow, while he uttered these words—Wilkes, the demagogue, but a man of wit, and Burke. Pitt, the Prime Minister, was on the steps of the throne, as he was a Privy Councillor. Each of these three knew the Chancellor to be a hypocrite, and two of the three knew him to be a traitor to his sovereign, selfish and perfidious. What Wilkes said, I cannot here repeat ; but when Thurlow uttered the words, “ When I forget my King, may my God forget me,” Burke was heard to say, “ The very best thing that could happen to you.” Pitt could not endure the hoary hypocrite, and quitted the House, exclaiming several times, “ Oh ! what a rascal ! ”

The English part of the drama was just finished ; every one knew, that the moment the Prince became Regent, that is,

when the Bill founded upon the resolutions passed both Houses, Pitt would be dismissed from his high office, and Fox made Prime Minister. The merchants in the city proposed a subscription, in order to evince their respect for Pitt, who was known to be a poor man. Very speedily £100,000 was subscribed. Pitt announced, that no earthly inducement would prevail on him to touch one shilling; he instantly gave orders to look out for his old law chambers; he had, he said, formerly got a few briefs; he had not lost his taste for the law, and his capacity was trained to perfection. At the age of twenty-nine years, he was ready to lay down the government of an empire, preserve his personal independence, and try if he could not earn £300 a-year at the bar. We have not many examples of the like lofty independence of character.

We now turn our attention to Ireland. The English proceedings in Parliament were read and understood by the leaders and members of the Irish Parliament. What was their behaviour? I have already reminded you, that by an Act of King Henry VIII., whoever was King of England must be King of Ireland;—that safe principle was confirmed by subsequent statutes, and especially asserted at the Revolution. But it is obvious, that the effect of this legislation, designed to bind Ireland and England by the strong link of the Crown, applied to a regency as well as to a monarchy. The only bond of union between the two kingdoms, with separate Parliaments, was a common Executive—that the kingly authority should be exactly the same in the two islands, and lodged, with the same powers, in the same hands. Already had the Irish Parliament differed with the Imperial Parliament on matters of marine and commercial law. Reason, policy, respect for the Statute Law, and for the Constitution, and for their own political existence, all combined to impress

upon the minds of the Irish senators, that now their plain course was, when the monarchy was at stake, to follow closely the wise example of the British Legislature. I have read the proceedings of the Irish Parliament in the published debates, and the accounts given of the motives which influenced the various members at that period, and I arise from the perusal humiliated and disappointed. In the memoirs of eminent individuals of the time, it is broadly asserted, that many of our senators wished to recommend themselves to the new King, believing that the Prince would not only soon be Regent, with great patronage at his disposal, but that in a little time after, he would be King, with even more patronage to share amongst craving patriots. No doubt, there may be some truth in this statement; but it would not explain the conduct of such men as Lord Charlemont and Mr. Grattan, and would have no application to them. They erred, I am sure, honestly, but they mistook the law—deserted their duty to that Constitution which they boasted they had obtained with efforts so vast—provoked a quarrel with a powerful and just minister—defied the English Parliament, and proved to all reasoning men, by their perverse policy, that there was no middle course of government for Ireland under the British Crown; that there must, eventually, be either separation or incorporation; that Ireland must be either united to France or united to England.

A meeting of Peers and others was held at Lord Charlemont's, 3rd February, 1789, when it was resolved to offer the Regency of Ireland to the Prince of Wales, unconditionally, as his right, as if his royal father were dead. In the House of Commons it was sensibly asked by the Ministers that a short postponement should be granted; that the English proceedings should be adhered to; and that, above all, they ought to wait until the Regency was formally

offered to the Prince of Wales in England, and by him formally accepted, in order that, in obedience to the law and Constitution, they might be sure the royal executive power should be lodged in the hands of the same person to whom they offered the Regency of Ireland. To this reasonable appeal, Mr. Grattan said, if they waited for a Report from his Excellency, of the transactions which had occurred in England, it would appear “as if the measure of another assembly was to be the rule of their conduct.” He had a high veneration for such a respectable authority, but he spurned the idea of dictation. “Ireland waits not for a lesson from Britain, nor for a model whereby to frame her proceedings.” On the 11th February, Mr. Grattan took the matter wholly out of the hands of the Government, saying, “We are clear that his Royal Highness *must* be Regent, but we are also clear that he should be invested with the full regal power—plenitude of royal power.” Now, the Irish orator must have thus spoken in order directly to contradict and affront the British Legislature. Mr. Fitzherbert observed, “That no doubt his Royal Highness would be appointed Regent; but, in so doing, both nations should make as little difference as possible in their proceedings, so as, above all things, to preserve the unity of the Executive Government.” Of the like sensible opinion was Mr. Parsons; but these men were not listened to. Mr. Grattan insisted that the idea of limitations was an attack upon the *King of Ireland*. He would have no Bill, but a *simple address* from the two Houses of Parliament, which (he forgot to prove how or why) was to have all the force and operation of law; he would—after obtaining by the address a deputy King, with kingly powers—put a stamp upon his work, by a Bill to be passed, which was to declare that the Regent, created by address, had “full royal authority.” Mr. Grattan then proclaims his method is in all

respects different from that pursued by the English Parliament, and boasts of his independence, and declares this to be a proud day for Ireland. "I object to a declaration of right in the Parliament, as a bad husbandry of popular artillery. I object to it also as attempting to convey to posterity historic evidence against the constitutional principles of the second person in his Majesty's dominions, without any ground or pretence whatever." Thus the triumph of Mr. Grattan was complete, he having succeeded in persuading the King-loving Parliament of Ireland to take an exactly opposite course to that taken in England; especially in rejecting the declaration of right in the Parliament to supply the defect in the exercise of royalty, and in rejecting the mode of procedure by Bill, founded on resolutions asserting that right.

Mr. Connolly, a country gentleman of large possessions, misled by Grattan, had proposed a long address to the Prince, requesting him to accept the Regency of Ireland, with all royal power and authority of a king. Mr. Sheridan approved, and declared that if they followed the advice of the Attorney-General, they would adopt the despicable expedient "of putting their understandings into the keeping of other men," meaning the Parliament of England. The Attorney-General, afterwards Lord Clare, delivered an unanswerable argument to prove that the proposed mode of conferring the Regency was equally contrary to the common and statute law of the realm, and criminal in the extreme. He then argued on the statute that the Crown of England and the Crown of Ireland were indissolubly united, and said—"Gentlemen who risk breaking the connexion must make up their minds *to an union*. God forbid I should ever see that day." [He afterwards argued for the Union strongly.] "But, if ever the day on which a separation shall be attempted



may come, I shall not hesitate to embrace a union, rather than a separation." Words ominous of a union, and which rose up in judgment ten years after, against the mistaken politicians who ran tilt against the Parliament of England! The Attorney-General read the Act repealing Poynings' Law, which rendered it imperative that all Bills which passed in Ireland should be certified into England, and should be returned under the Great Seal of England. By this Act, the Great Seal of England was rendered essentially necessary on the passing of a law in Ireland. "It was nonsense to say, that it is as King of Ireland he affixes the Great Seal of England to Irish Acts."

"Let me now, for a moment suppose, that we, in the dignity of our independence, appoint a Regent for Ireland, he being a different person from the Regent of England—a case not impossible, if the gentlemen insist on our appointing the Prince of Wales before it shall be known whether he will accept the Regency of England; and suppose we should go farther, and desire our Regent of Ireland to give the Royal assent to Bills, he would say—'My good people of Ireland, you have by your own law made the Great Seal of England absolutely necessary to be affixed to each Bill before it passes in Ireland. That Seal is in the hands of the Chancellor of England, who is a very sturdy fellow. That Chancellor is an officer under the Regent of England, and I have no manner of control over him; and so, my very good people of Ireland, you had better apply to the Regent of England, and request that he will order the Chancellor of England to affix the Great Seal of England to your Bills; otherwise, my very good people of Ireland, I cannot pass them.'"

Fitzgibbon further said—"If the House shall, by force of a mere address, upon the instant, and without any communica-

tion with England, invest a Regent with powers undefined, I do say, that when the moment of reflection comes, it will startle the boldest adventurers in England." Then followed words of wisdom and truth. "Certainly, if it be the scheme to differ, in all imperial questions, from England, and if this be abetted by men of great authority, they mean to *drive us to an union*, and the method they take is certainly more effectual to sweep away opposition, than if all the sluices of corruption were opened together, and deluged the country's representatives; for it is certain, nothing less than the alternative of separation could ever force an union. The existence of this country depended on the union which we are now about to dissolve." Then this curious illustration was offered, to show the peril of the procedure:—"Suppose you chose a Regent in the manner suggested, and that by any fatality a different Regent should be appointed for Great Britain, he may send a commission, under the Great Seal of England, appointing a Lord Lieutenant of Ireland, and to *that* commission your Regent is bound to pay obedience: if he refuse, he stakes his head on the experiment." A pleasant predicament for the Irish Regent to be placed in! "I will not," said the future Chancellor, "insult the Prince of Wales by an address, which cannot confer on him the *shadow of royal power*. What, then, are we to do? As soon as we shall be certified that the Prince of Wales is invested with the authority of Regent in England, pass an Act to invest him with that authority in Ireland; send this Act to the Prince Regent in England; he will then have the command of the Great Seal in England, and return our Act, authenticated according to law. The Lord Lieutenant may then, by his command, give the Royal assent to it, and who shall say that it is not the law of the land? But suppose your address should reach him before he is actually invested with the

royal power in England, in what situation do you put him? You call upon him, in defiance of two Acts of Parliament, which make the Crowns inseparable, to dethrone his father."

I have seldom read in parliamentary history more judicious reflections than the following:—"There is a feature in this proceeding which, independent of every other objection to it, does, in my mind, make it highly reprehensible; and that is, that I consider it as a general appeal from the Parliament of England to that of Ireland. If it is to be a point of Irish dignity to differ with the Parliament of England, to show our independence, I very much fear that sober men in this country, who have estates to lose, will soon become sick of independence. The fact is, that, constituted as it is, the government of this country never can go on, unless we follow Great Britain implicitly in all regulations of imperial policy. Gentlemen who this night profess themselves advocates for the independence of the *Irish* Crown, are advocates of separation." Curran said: "The Attorney-General was a solitary and unprevailing preacher; that his language was more like that of an Attorney-*Particular*, than an Attorney-*General*; it was that kind of silly fatuity that, on any other subject, he would leave to be answered by silence and contempt." Mr. Grattan bravely said: "The connexion between the countries in danger by our proceeding! Vile commonplace—antiquated cant—folly—presumption! The Attorney-General has, by the juggle of a Crown lawyer, restored the supremacy of the British Parliament over this kingdom. He has done this by playing tricks with signs and seals, and confounding the stamp of authority with authority itself." The celebrated orator was furious at the bare idea of his Majesty legislating in Ireland as King of Great Britain; and the assent must be given, according to this gentleman, by another person, the King of Ireland. He then said: "The

perverse and desperate explanation would destroy the Irish monarchy;" and appealed to the country gentlemen to be roused and inflamed to indignation, in order to maintain the rights of the King of Ireland, and the imperial authority of the Irish Crown."

There is nothing more remarkable than the absence of all argument against the Attorney-General's positions. They abused him roundly, but did not confute him. Mr. Smith, afterwards Master of the Rolls, cannot be excused for his behaviour; he was, on this occasion, for everything that was wrong: he differed with England's Parliament—was for a mere address. No Act of Parliament needed here—no restriction whatever on the young Prince? He would make a Regent of Ireland on the spot. True, he said, the Attorney-General had proved that the Great Seal of England must be affixed to every Bill transmitted from this country, and returned thereto? "But by whom is the Great Seal so to be affixed?" asked this eminent individual. Why, "*by the King of Ireland*, and by him alone." After this explosion, they went instantly to work, and appointed a Committee to draw up an address, offering Ireland to the Prince of Wales on the spot—"in the name of his Majesty, to administer all regal powers, jurisdictions, and prerogatives, to the Crown and Government thereunto belonging." Now, it will be observed by the candid inquirer, that no plausible answer was suggested to the sense of the argument for acting on the English precedent—namely, that when in the Acts of Henry VIII. and of William and Mary, it was enacted that the *Crown* of Ireland was knit to the Crown of England, by "Crown" was meant the supreme executive power; and as the Crown of England *must* be the Crown of Ireland, so must the supreme executive power, in the hands of a Regent, be the very same also. But if there was a different measure

of power in the two kingdoms, there would be a different power: the same person would not make the same power. After the Committee had been appointed, a message comes from the Lord Lieutenant, to acquaint the House that he had received the resolutions agreed to by the British Parliament, on the subject of the Regency, with the reply of his Royal Highness thereto. The House seemed vexed at the intrusion, and were about to refuse receiving them, at least till they could contradict their effect, by getting forward their fanciful address. However, the Speaker thought a message from the Crown should be received, and the important documents were presented. Mr. Conolly then read the address to the Prince; whereupon Mr. W. Wellesley Pole (an honoured name) said, he would give his decided dissent from this address. He said, that by appointing the Prince of Wales Regent of Ireland without limitation, "pensions might be granted, peerages might be bestowed, and places given in reversion in this country, to designing men, who have wormed themselves into the confidence of his Royal Highness." If this was not eloquence, it was truth. The Irish measure was hastened, according to Mr. W. Pole, for the express purpose of getting hold of peerages, pensions, and places, then and since dearly loved in Ireland.

Wellesley Pole knew his men; and I am of opinion he hit the nail on the head. In England, through the virtue of the English Parliament, advised by Pitt, the Regent, chosen for a time, could grant no peerages, confer no pensions, create no places; in Ireland, the Parliament, led by Grattan, proclaimed that to restrict the Regent, in conferring peerages, places, and pensions, would be a daring attack upon their ancient rights and privileges. The Speaker, at this crisis, put the question, that this address do stand as the address of the House to his Royal Highness the Prince

of Wales. Whereupon we have a parting word from the Attorney-General. He said "he should, to the latest hour of his life, consider this address as tending to dethrone the good old King. He further said, that the Lord Chancellor, the Chief Justice, several of the Judges, and the most eminent lawyers, considered the address, as an instrument for conferring regal power, to be of a treasonable nature."

The *finale* of this remarkable transaction is now to be narrated. When the unconstitutional and rash address was presented to the Lord Lieutenant, to be transmitted to the Crown, he answered—"Under the impressions that I feel of my official duty, and of the oath which I have taken as Chief Governor of Ireland, I am obliged to decline transmitting this address into Great Britain."

The Commons, being staggered with this answer, adjourned till next day, when Mr. Grattan moved that a competent number of members, on behalf of the Irish Commons, be appointed to present the said address to his Royal Highness. Then the House (re-asserting their address), answered by a resolution the reply of the Lord Lieutenant; and then the whole subject was debated over again. I invite the student of constitutional history to read the elaborate speech of the Attorney-General on this last occasion. It is drawn up with great care. "If an address," he argued, "could transfer royal powers to the Prince, so might it to Louis XVI., to the Pope, or to the right honourable mover of this resolution. Is there a man in England will tell the Prince this address confers upon him a shadow of authority? What shadow of authority had the Irish Parliament to grant original regal power by their address? None. No English Minister, after the decision of the British Parliament, would advise the Prince to accept the rash proposal."

The Lords named as their Delegates the Duke of Leinster and the Earl of Charlemont.

The Commons named as their Delegates Mr. Conolly, the Right Hon. John O'Neill, the Right Hon. W. B. Ponsonby, and Mr. James Stewart.

Mr. Grattan then moved and carried a vote of censure on the Lord Lieutenant, for having performed what he believed to be his duty, in refusing to transmit the address to the Prince of Wales, not yet Regent of England.

We have next the trip of pleasure to the Prince. His urbanity was conspicuous; his attentions to the Delegates flattering. They were fascinated by the manners of such a Prince as was rarely ever seen in England before, and he was enraptured with the Delegates, the Parliament, and people of Ireland.

The conduct of the Irish Parliament on this memorable occasion never was forgotten by Pitt; and I agree with the biographer of Lord Charlemont, that the resolutions carried on this occasion were a main cause of its annihilation.

The Irish Whigs of that day—not the British Government, not the corrupt influence of the Crown—carried the Union; for, instead of promoting concord, they rashly differed with the Parliament of England on the most delicate and critical matter—the government of the empire—and showed the danger of trusting the Irish Parliament with independent power, which they would not safely use.

The reflections of Lord Stanhope on this transaction are just and temperate. He proves that the Regency in the two countries was to be held by wholly different powers—a result no less inconvenient than ridiculous. From these calamities we were providentially rescued by the recovery of the King. The day he proceeded to St. Paul's, to return thanks to God for his recovery, he was received by the acclamations of a delighted people. We may learn, in the painful lesson thus taught us by the Regency debate, that brilliant talents do

not insure political wisdom—that splendid eloquence may mislead, unless guided by discretion and informed by knowledge. The science of government is difficult of attainment. The history of our Constitution and of our laws must be deeply studied to be understood. The very best men may go astray from lack of information, as well as from lack of discretion. The leaders of the Irish House of Commons on this memorable occasion did not reflect on the consequences of their conduct. They were rash, hasty, obstinate, and wrong; yet, I have no doubt, they erred innocently. Had they been asked, were they in favour of a Legislative Union with England, they would have answered indignantly—No. They would have been surprised, had they been told that their measures and their conduct would afford the best and strongest argument for that Union which they abhorred.

In tracing the remaining portion of the life of the Irish Parliament, we should never forget that the seeds of its dissolution were sown in the proceedings of Parliament touching the appointment of Regent. It may be instructive to notice, that a principal reason which animated the great Lord Somers, in pressing the Union with Scotland, was, lest the Parliament of Scotland should differ from the Parliament of England as to the succession of the House of Hanover—a fatality not unlikely to happen. So vital, therefore, to the safety of the empire is the question of the unity of the executive power.

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## CHAPTER XI.

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RECOVERY of George III.—Its Effect upon Irish Politics—State of Irish Ministry, as described by Grattan—Whig Club—A corrupt Minister—Specimens of Parliamentary Oratory—Curran—Sir Boyle Roche—Bushe—The Duke of Wellington—Barrington—Grattan on the Gentry of Ireland, the Law, and the Church—Panegyric on Rev. Dr. Kirwan—The Catholic Question—History of the Working of the Irish Parliament—Debate on Education.

THE recovery of King George III. seems to have quieted, in a degree, party animosities; and the members of the Irish Senate turned their attention for a time to questions of practical importance and utility. We may regret to find Coercion Bills introduced in 1787, to put down tumultuous risings in the South; and we may rejoice to read, in the same volume of Irish Debates, a very interesting statement and proposition from the Secretary Orde, upon Education in Ireland. One of his proposals was to establish two great academies, immediately preparatory to the University. He also conceived, that the foundation of one other college might be beneficial. He recommended that the parish schools mainly should be improved and strengthened; this has been mischievously denied in modern times. The Session continued from 18th January to 28th May.

The Session of 1788 was even shorter, lasting from January to April. Thus, the spring, the summer, the autumn were holidays for our fatigued senators. In this year a Water Bill for Dublin was carried, and the

thirsty citizens satisfied. Other useful measures were perfected. Disappointed and vexed, it is supposed, at their failure to obtain a change of administration by the Regency Bill, the system of managing Parliament by influence was attacked by Mr. Grattan and his friends; and I find, in February, 1790, Mr. Grattan, fresh from his triumphs on the Regency affair, upon a motion to reduce the number of Revenue Commissioners from nine to seven, thus describing the state of Ireland—it is a curious passage:—

“Here you will stop to consider, and demand, why all this—why this attack on Ireland? The minister will tell you what caused, but I will tell you what contributed; it was impunity! impunity! You have no adequate responsibility in Ireland, and politicians laugh at the sword of justice which falls short of their heads, and only precipitates on their reputation. Sir, this country has never yet exercised herself in the way of vindictive justice. In the case of Strafford, she was but an humble assistant; and yet, in this country, we have had victims. The aristocracy, at different times, has been a victim; the whole people of Ireland, for almost an entire century, were a victim; but ministers, in all the criminal successions, . . . here is a chasm, a blank in your history. Sir, you have in Ireland no axe; therefore, no good minister.”

The remedy suggested for these evils was a sharp one, such as cured all the complaints of the great Lord Strafford.

The formation of a Whig Club, to direct Parliamentary action, was thus defended:—

“Sir, had I any doubt before of the propriety of such an institution, which I had not, the doubt, certainly, would have vanished now; for when a principle is openly advanced in Parliament, justifying a project of corrupting the Legislature, it remains, that all not yet caught by the pollution should form a constitutional intercourse, for general protection, to

defend the Treasury against plunder—the Legislature against prostitution—the liberty of the subject against dissolution—and the political morality of the island against a general pollution.”

The flood of corruption must have poured somewhat suddenly upon the land since the Regency escapade. The patriots wanted a Pension Bill, Place Bill, a Responsibility Bill, &c.; and on 11th February, the necessity for stemming the awful corruption of the times is put, by describing the blackness of guilt which a corrupt minister causes. Grattan said:—“A corrupt minister issues forth from his cabinet like Sin and Death; and senates first wither from his footsteps; then he consumes the treasury; and then he corrupts the capital, the different forms of constitutional life, and the moral system; and at last, the whole island is involved in one capacious curse—from shore to shore—from the nadir to the zenith.”

The Parliament, if that statement be true, was not worth preserving. Now, the charge against the Government, made by Mr. Grattan, was very shocking:—“We charge them publicly, in face of this country, with making corrupt agreements for the sale of peerages; for doing which we say they are impeachable. We charge them with corrupt agreements for the disposal of the money arising from the sale, to purchase, for the servants at the Castle, seats in the assembly of the people; for doing which we say they are impeachable. We pronounce them to be public criminals.”

The idea of soothing members, broached by the Attorney-General, was cheering. In answer to Mr. Grattan, who, on another occasion, complained that the great offices of the state were given to absentees, he (the Attorney-General) said, “that he should be extremely glad to see the whole patronage of the Crown in Ireland bestowed upon the members

of both Houses of Parliament; and he had no doubt, if things went on a little longer in the train in which for some time they had been, that object would be obtained."

There was a Mr. Johnston, who sat in Parliament at that time, and who ventured to make a remark:—"The public good is every man's profession; it is a common thread-bare cloak, ready for the accommodation of every political traveller, and is worn, with equal advantage, for the disguise or for the protection of the assassin of the Constitution, or the saviour of the country." He then administered a bitter rebuke to Mr. Grattan, who, on the Regency Bill, had attacked the British Parliament, and praised the Irish; and now attacked the Irish, and praised the British; and certainly, the inconsistency appears difficult to be reconciled.

A specimen of parliamentary debating in our Irish Senate may be given from one of the many lively speeches of the celebrated Curran, made on a motion for information why the Boards of Stamps and Accounts had been divided. We might be disposed to inquire whether the Senate deserved the character it got; if so, it must have been as versatile as corrupt. Mr. Curran said he rose "with that deep concern, and melancholy hesitation, which a man must feel who does not know whether he is addressing an independent Parliament, the representatives of the people of Ireland, or whether he is addressing the representatives of corruption!"

It was a charge against Government for opening the batteries of corruption against the liberties of the people.

"Sir," said he, "I bring forward an act of the meanest administration that ever disgraced this country; I bring it forward as one of the threads by which, united by many others of similar texture, the vermin of the meanest kind have been able to tie down a body of strength and importance; and let me not be supposed to rest it here—when the

murderer left the mark of his bloody finger-hand upon the wall, it was not the trace of one finger, but the whole impression which convicted him.

“No man could imagine, no man would have suspected, that a minister without talents could have worked your ruin ! There is a pride in a great nation which fears not its destruction from a reptile ; yet there is more than fable in what we are told of the Romans, that they guarded the Palladium of their liberties, rather against the subtlety of a thief, than the force of an invader.

“I rise in an assembly of three hundred persons, one hundred of whom have places or pensions ; I rise in an assembly, one-third of whom have their ears sealed against the complaints of the people, and their eyes intently turned to their own interest ; I rise before the whisperers of the Treasury—the bargainers and the runners of the Castle.”

Sir Boyle Roche, who held a good place under the Government, a man of wit, as he was called in that day, replied to Curran in this fashion :—

“If I had the advantage of being bred to the learned profession of the law, I should be the better enabled to follow the honourable gentleman through the long windings of his declamation ; by such means I should be blessed with the gift of the gab, and could declaim for an hour or two on the turning of a straw—I could stamp and stare, and rend and tear, and then look up to the gods and goddesses for approbation. Then, in the violence of such declamation, I should suppose myself standing at the head of my shop, at the Bar of King’s Bench, dealing out my scurrilities by the yard to the highest bidder, my shop being well stored with all sorts of masquerade dresses to suit all descriptions of men. The Newgate criminal (if I was well paid for it) I would dress up in the flowing robes of innocence. The innocent man (being also well paid for it) I could cover up in a cloak of infamy,

that should stick to him as close as his regimentals. If, indeed, I was bred a pettifogger, or a Newgate solicitor, I should be the better enabled to follow the honourable gentleman through the variety of matter which he has introduced to the House."

We find that brilliant Irishman, the late Chief Justice Bushe, amusingly ridicule the method pursued by Curran, of condemning, before any trial, or even inquiry, public men of corrupt practices; and this Mr. Bushe did by an anecdote of the patriots of France and their use of the guillotine. He said—"The patriots of that country were highly deserving of praise; for they had discovered a most summary method of getting rid of any offensive man: it was nothing more than to accuse him of being an enemy to liberty. If the man, conscious of his innocence, desired to be brought to his trial, the answer was ready—'*Il est Jugé!*'—and he was immediately carried *à la Lanterne*." He said, that one day, hearing a great noise in the street, he ran down stairs to the door, when he saw the largest number of patriots he had ever seen assembled. A Frenchman, who had just come up, asked another what was the matter. "*Rien, Monsieur,*" replied he, "*mais un Marquis q'on va pendre.*" "*Bon, bon,*" said the other, "but what has he done?" "*Je ne sais pas,*" said the patriot. "This would be exactly our case were we to condemn the acts of the Marquis of Buckingham without any manner of evidence. Should any one demand of a member of this House why he had done so, his answer must be '*Je ne sais pas!*'"\*

Mr. Michael Smith expressed, sarcastically, a hope which he anticipated would, if realized, save further trouble—"If the present system continued to prevail, as the increase of our trade had now made about one hundred places for mem-

\* See Appendix A.

bers of Parliament, whenever it should come to increase in a threefold degree, which he hoped was not impossible, there would then be places conferred on three hundred members, in which case there would be an end of all difference or even debate in the House."

This motion failed, as did those of a similar nature, all imputing corruption to the Government of the grossest kind. Mr. Grattan now moved for a select committee to inquire into the sale of peerages, for money to be laid out on procuring the return of members to the House of Commons. In his speech supporting this motion he asserted, "that the only principle of government was the manufacture of corruption." He called the ministers "public malefactors." The Chancellor of the Exchequer replied, all this was "frothy vanity," assertion without proof. It failed also.

The Parliament for 1791 sat from January to 5th May only. On the 14th February, a committee was struck to try the merits of the College election. One of the members I find nominated was the Hon. Arthur Wellesley, afterwards better known as the Duke of Wellington. Here we find the great man member for Trim, quietly, like Cromwell, fulfilling his ordinary duties; but unlike Cromwell in after-life, inasmuch as he devoted his military genius to save an empire, not to destroy a monarchy. I have no doubt that Sir Arthur Wellesley decided the law points with the same sense of duty which directed his conduct on every subsequent occasion through a glorious career.

I find Mr. Curran complaining, on another occasion, when he impeached members with corruption, that, though the galleries were full, the House was thin.

Mr. Barrington gave the following amusing description of Curran and his motions:—

"It gives me pleasure to see the honourable mover of the

resolution exert his talents; and, with all the singularity, all the oddity, all the celebrity of the parent bird, step into the pit, a gallant little phoenix, ready for action. It cheers me to see his spirit—to see him whet his spurs, and peck, and peck, and peck, and bristle up his plumage, and flutter and take his flight, and crow out ‘victory!’ before the battle is begun. But strip the little phoenix of his borrowed plumage—pluck away the covering of affected virtue which adorns his breast—and plain, honest, intelligent little Speculation stands confessed before you. But, alas! Sir, with his feathers he would lose his fire, become feeble, totter: get a golden perch for little Phoenix—he must be supported. No more will he whet his spurs, peck, or bristle up his plumage—no! the golden perch will end the argument!”

On the motion of Mr. Forbes, for reading his Bill for effecting responsibility in the servants of the Crown a second time, Grattan’s description of the condition of the gentry of Ireland, destitute of all control over the public money, is highly figurative and beautiful—whether strictly accurate, I am not prepared to say. I give it as a choice specimen of his style of oratory:—

“What is their situation? A set of men excluded in their native land from power and control, privileged only to submit their objections, without any authority to stop the crime they complain of. This exclusion from all control in the disbursements of money makes them a cypher. That control, exclusively placed in the Lord Lieutenant’s Secretary, his Excellency, and certain English officers, makes them your masters, and the Secretary on that bench your idol: it is no longer control—it is command. It is this command that makes him more forcible than Demosthenes, and more persuasive than Tully; or, if the name of Solomon delight him more, Solomon in all his glory, sitting among his state concubines. See at



the feet of a young lad the tributes of a degraded Court; see prostrate at his feet the wisdom of age and the flame of youth—the grey head of experience—the country gentleman's shattered mask, and the veteran Crown lawyer's prostituted conscience and howling remorse. Even the virtues which this man does not entirely destroy, he disgraces. He humbles the energies of your mind, and contracts the exertions of your talents. He not only humbles your virtues, he degrades your vices, and gives them a poorer cast: so you lose the high mettle which sometimes mixes with human infirmity, dignifies the nature of vice, and makes ambition virtue. You do not make this man a Colossus, but he makes you pigmies; and both lose your natural proportion; he, his natural inferiority, and you, your natural superiority in your native land. Thus you stand on your own hills, blasted by a shrub which scalds your growth, and diminishes and dwarfs what else might become a tree of the forest, and make the realm illustrious."

In 1792 we have two subjects prominently before our eyes—the state of Ireland—the state of Europe. We find Mr. Grattan beginning the Session (which commenced 19th January, and ended 18th April) with a vehement denunciation of the system of Parliamentary corruption, by which the country was governed:—"A trade in Parliament, whereby the King's will is absolute; his will is dignified by both Houses of Parliament, who are as much an instrument in his hands, as a bayonet in the hands of a regiment." For a gross affront to the members of the Irish House of Commons, nothing comparable to the succeeding sentence was ever uttered:—"Suppose General Washington to ring his bell, and order his servants out of livery to take their seats in Congress—you can supply this instance."

We have then brought before us, in words calculated

to create admiration, terror, and disgust, the state of the Law and of the Church:—

“A respect for the Constitution is fatal to the pretensions of a lawyer: a disregard for liberty is a qualification sufficient for him. The barrister is brought from his studies in the Hall, to his compliances in the Senate. In vain shall the Minister assume a regard for the common law, to apologize for his contempt for the Constitution, when he undermines the law as well as that Constitution, by making a corrupt political traffic of both, and mortgages the seats of justice, to reward Parliamentary compliance. It is worse than an illegal opinion, or an attack on corporate rights; it is sowing the seeds of illegality in the very bed of justice.”

So much for the Law: now for the Church. The invective had a peculiar reference to a high dignitary of our Church:

“What is the case of Doctor Kirwan? That man preferred this country and our religion, and brought to both a genius superior to what he found in either. He called forth the latent virtues of the human heart, and taught men to discover in themselves a mine of charity, of which the proprietors had been unconscious. In feeding the lamp of charity, he had almost exhausted the lamp of life. He comes to interrupt the repose of the pulpit, and shakes one world with the thunder of the other. The preacher’s desk becomes a throne of light: around him a train, not such as crouch and swagger at the levees of princes (horse, foot, and dragoons), but that wherewith a great genius peoples his own state—charity in action, and vice in humiliation—vanity, arrogance, and pride, appalled by the rebuke of the preacher, and cheated for a moment of their native improbity. What reward? St. Nicholas Within or St. Nicholas Without. The curse of Swift is upon him—to have been born an Irishman—to have possessed a genius—and to have used his

talents for the good of his country. Had this man, instead of being the brightest of preachers, been the dullest of lawyers—had he added to dulness, venality—had he aggravated the crime of venality, and sold his vote, he had been a Judge—or, had he been born a blockhead, bred a slave, and trained up in a great English family, and handed over as a household circumstance to the Irish Viceroy, he would have been an Irish Bishop and an Irish Peer, with a great patronage, perhaps a borough, and had returned members to vote against Ireland; and the Irish parochial clergy must have adored his stupidity, and deified his dulness. But under the present system, Ireland is not the element in which a native genius can rise, unless he sells that genius to the Court, and atones, by the apostacy of his conduct, for the crime of his nativity. *Unde derivata hæc clades?* In five words I will tell you—the trade of Parliament.”

The invective is splendid, but awful. If an Irish Parliament could not prevent such detestable corruption, of what avail was it in the country? The statement of facts, however, was denied, and it was asserted these general accusations were but repetitions of old stories, calculated to poison the public mind. Nothing resulted from the grand oration.

We have now the Catholic Question beginning to appear prominently in Parliament.

Two documents will put the reader in possession of the views then entertained by public men on this agitating subject: the speech of Sir Hercules Langrishe, on 26th January, 1792, proposing certain just and reasonable concessions; and the paper drawn up by the famous Edmund Burke, on the Condition of the Roman Catholics, published in the 4th volume of his Correspondence, by Earl Fitzwilliam. This paper is partly historical, partly political. The first proposition laid down is, that as it would be difficult for the

Irish to induce Pitt and the English to assent to a Union, it would be wise in them, by moderate concessions, to reconcile the Roman Catholics to the State.

The Bill of Langrishe, opening up the professions, giving freedom of education, and allowing marriages with Protestants, and containing other concessions, was favourably received. But soon after, a petition having been presented by Mr. O'Neill, from Belfast, in favour of removing all penal laws on the Roman Catholics, a debate arose as to whether the petition should be received, when Sir Boyle Roche said—"Now the question is, whether we will receive the insidious petition of a turbulent, disorderly set of people, whom no king can govern, or no god please—or whether we shall treat it with its merited contempt? For my part, I call upon you to dispose of it as it deserves, by tossing it over the bar, and kicking it into the lobby; and I am determined to divide the House upon it, even if I should stand alone in so just a cause." The petition, however, was received. The subsequent debates on this delicate subject, are highly creditable to the good feeling and wisdom of the Protestants who alone formed the assembly. Laws, severe in their spirit, were justified, on the only ground on which they could be justified—on the right of self-defence. It was admitted they should be relaxed according as the necessity for their enactment ceased. The interesting question, of the right of Roman Catholics to the franchise, was debated, and Mr. Grattan gave an historical account of the possession of it, which may be useful to study.

The subject of Education, next touched on, draws attention to the manner in which the Irish Parliament dealt with this momentous subject. Touching education, Mr. Ponsonby thought it might be advisable to found another college, and to annex it to the University of Dublin, in order that the

laity and clergy of the Roman Catholic community might receive a liberal education in common. All agreed in the wisdom of opening the Dublin University, for the purpose of education, to Roman Catholics. There was published, at the end of 1792, a curious paper, by the son of Edmund Burke, Richard Burke, who acted as agent to the Roman Catholics, and which paper is contained in the published correspondence of his father. Richard Burke writes:—

“The Government of Ireland conducted itself on the falsest principles, and particularly acted towards the Catholics with perfidiousness, injustice, and rancour.” The motive he charges to be a vile one, namely, “to get up a Protestant party, and make themselves political undertakers for the government of the country.”

The Parliament of 1793 sat from January to August, 1793. The Duke of Wellington spoke briefly, but suitably, in seconding the address. The disturbers of the peace were to be repressed. The loyal Roman Catholics were to be conciliated. Accordingly, the Emancipation Bill of 1793 was carried, which, amongst many large concessions, conferred the right of voting on the forty-shilling freeholders of the Roman Catholic persuasion. This transaction has been often canvassed and questioned. If the object proposed was to conciliate loyalty, property, and intelligence, why not begin when there were most of these valuable qualities to be found, and not when there was least? This was complete emancipation to the lowest class, for they could not expect to sit in Parliament; but it was not emancipation to the nobility and landed gentry of the Roman Catholic persuasion. The grievance on them was now, that whilst the least intelligent of their class (thousands of whom could not speak the English language, and had not a shirt to their backs) could elect, the most intelligent could not be elected. Why not

begin at the very opposite end of the social scale; admit the few nobles; then the next class, and so attach property and intelligence to the State, before numbers alone were admitted? But why admit such a number of forty-shilling freeholders, as to exceed all other classes of voters? I shrewdly suspect, one reason was, because the landlords thought they could easily control them, and make the ignorant masses subservient to their ambition, not foreseeing that the day might come, when another and superior influence might turn the forty-shilling voters against the very power by whom they were created. Again: how absurd the analogy attempted between these voters and the old forty-shilling electors of the time of Henry VI. The latter had an estate of the value of forty shillings a year of their time, which was nearer to £30 or £40 of the money of our day, than forty shillings.

The principle of our Constitution never had been democracy, but that none should vote who had not capacity and sufficient property to enable them to exercise an independent will. The political problem always must be, how to find a sufficiently large class of electors possessing those essential qualities.

Never in the well-ordered, constitutional monarchy of England was it allowed that ignorance should rule over knowledge—poverty over wealth—idleness over industry: therefore, on every ground of policy, and principle, and expediency, the decision of the Irish Parliament was unwise; and, it will be speedily seen, although large in its operation, did not give contentment, nor produce peace.

I remark, in a statesmanlike speech of Sir L. Parsons, wherein he revises the past history of our country with impartiality and candour, he argues that the elective franchise ought not to be imparted to any Roman Catholic who hath not a freehold property of £20 per annum. His review of the state of the lower classes is instructive; and, having stated their

numbers, ignorance, and intense prejudices, he says—"They would be the majority of the electors, controlling you, overwhelming you, resisting, and irresistible. I cannot conceive a frenzy much greater than this: allow them every virtue that elevates man, still this is a trial that no body of men, that are or ever were, should be put to. I think as well of the Catholics as I do of any body of men in this country or any other; but still I would not trust so much to any body of men in such circumstances. I consider the Catholics as men; and they must be more than men, if, in such a situation, they could be safely intrusted.

"In this case nothing should be left to uncertainty; because upon this everything depends. Suppose you gave the inferior Catholics the franchise, and that they should meet in all their parishes to determine on the exercise of it—as they likely did to determine on the attainment of it—and that they should nominate, in their chapel, their representatives to the Parliament, as they lately did their delegates to the Convention, what would there be to stop them? The power of their landlords might do much; but the power of religion might do much more. How easily might they be persuaded that their temporal as well as their eternal felicity depended upon their uniting together in the exercise of the franchise. I do not say that all this would follow; but I say, that all this, and more, might follow; and therefore, that we should not wantonly trifle with it."

This clear-headed senator then argues, if parliamentary reform be superadded to this franchise, and the borough representatives be thrown into the counties, the great majority of the House of Commons must be Catholics; and "all this, assuming the Catholics not to be a jot more prejudiced against you, than you must admit the Protestants to be against them." He proves, with logic irresistible, that they

would naturally combine to remove all remaining restrictions; that it would be no security to say they could control Roman Catholics, because they would easily find nominal Protestants to elect, equally fit for their purpose. The temperate reasoning of Sir L. Parsons made a deep impression on my mind, although it appears to have made little on "the ponderous fox-hunters" he addressed.

"I do not," said he, "expect of the Irish House of Commons that it should be wiser than any assembly in the world; but I only implore it, that it may not *immortalize itself for its folly*."

Our wise senator was himself in favour of gaining over all the intelligent Roman Catholics of property by liberal concessions; but he argued, the misfortune was, that the Chief Secretary, who framed the Bill, did not understand the internal state of the country, and was ignorant of its interests. Sir Lawrence would admit the first class of Catholics to Parliament, the middle class to vote, and would not admit to the franchise what he called "a multitudinous rabble." "Never was a measure, pretending to be a great one, more narrowly conceived than the present Bill. It courts the Catholic rabble, and insults the Catholic gentry. It gives power to those who are ignorant, and therefore dangerous; and withholds it from those who are enlightened, and therefore safe."

This is judicious advice:—

"I would, therefore, begin by giving but a limited franchise to the Catholics, and by making but a moderate reform, and would have these measures united. A sudden communication of power to a great body of people is never wise; changes in an ancient constitution ought to be gradual."

I have seldom read or heard a more convincing speech than this, delivered by an Irish country gentleman, the ancestor of the distinguished man who is now Chancellor of



the University. The Bill, however, as introduced, passed separate from the moderate Reform Bill which was left open for future agitation. I may observe, that the Speaker said Mr. Grattan was mistaken in asserting that the Roman Catholics had voted in the reign of George II. ; for, he contended, after every search he could make, they had never exercised the right of voting since the Revolution. Mr. Grattan replied, that their exclusion was only by a resolution of the House of Commons, and that there was no law excluding them till 19th George II.

Touching the actual composition of the Irish House of Commons, Mr. Grattan stated, that of three hundred members, above two hundred were returned by individuals ; from forty to forty-five, by ten persons ; that several of the boroughs had no resident electors at all ; some of them had but one ; and that, on the whole, two-thirds of the representatives of the House of Commons were returned by less than one hundred persons.

In dismissing the Parliamentary history of that year, I should add, that the Government introduced a Bill, placing the money voted entirely under the control of the Parliament ; an Appropriation Bill ; also a Bill excluding a list of placemen from sitting in the House, vacating the seat of any member who got a place, and reducing the Irish pension list to what was then thought the moderate figure of £80,000 a year. This was declared to be done to complete the Irish Constitution, and to assimilate it perfectly to that of Great Britain : and so, having passed these and many other good laws, and with general exultation at all the popular concessions granted, the Irish Parliament in August suspended their labours, and left the nation to enjoy its newly acquired liberty.

The Parliamentary debates of the years 1794, 1795, and

1796, may be briefly disposed of. In truth, Parliamentary proceedings had lost their interest, in presence of the disturbances which agitated Ireland and convulsed Europe.

In 1794, the Parliament met on January 21st, and ended on 25th March—a Session of two months. It may be noticed for a Reform Bill, introduced by Mr. Ponsonby, which proposed to add a member to each county and large city, and extend the limit of boroughs to a line of twenty-four miles, within which the £10 freeholders were to vote. One Member said, as they had nothing to do, they might as well debate Reform; another said, the very difficult problem was, “how you were most likely to extract out of the mass of the people three hundred honest and capable representatives, who shall know what is best for the people, and will do it.”

I remark, that sensible man, Sir L. Parsons, said:—“A majority of this House never go back to their constituents; they do not know them; they do not live amongst them; many of them never saw them—no, not even the places they represent. What a mockery is this of representation! Do you think, that in this enlightened age, such an imposture can long continue? Impossible.” I quite agree with the worthy baronet, and I am only surprised it continued so long.

Mr. Grattan, for his purposes, gave the following history of the working of our noble old Parliament:—“Of the last century, nearly thirty-five years, at different intervals, passed without a Parliament; from 1585 to 1612—that is, twenty-seven years—no Parliament; from 1615 to 1634—nineteen years—no Parliament; from 1648 to 1661—thirteen years—no Parliament; from 1666 to 1692—that is, twenty-six years—no Parliament. Before the Revolution, it thus appears, that with the rights and the name, Ireland had not the possession of a Parliamentary Constitution; and it will appear, since the

Revolution, she had no constitutional Parliament. From 1629 to 1763—nearly seventy years—almost two-thirds of a century—the tenure was during the life of the King. Since the time of limitation of the term, there have been two reforms in the essence of Parliament, but reforms which I shall distinguish from the constitutional reform desired in the Bill, by the appellation of ‘Anti-reforms.’”

It appears, from this candid but curious statement, that the more diligently our Irish senators laboured to improve our fine old Irish Parliament, the worse they made it.

An account of the state of the country as given by the Attorney-General, in moving for leave to introduce a Bill to enlarge the powers of the magistrates, is dreadful. It does not appear that the extension of the franchise, or the Place Bill, or Pension Bill, or Emancipation Bill, had done their work. The chief business of this brief session was to strengthen the executive; to repress outrage and insurrection; to improve the Quarter Sessions and Civil Bill Jurisdiction—a measure of real practical utility.

The session for 1795 began 22nd January, and ended 5th June. It was the administration of Lord Fitzwilliam, which was brief and exciting.

The session for 1796 began 21st January, and ended 15th April. Upon a Bill to indemnify magistrates for acting in the repression of disturbances, it was said by Mr. Maxwell—“That since exertion on the part of the magistrates of the country, in putting down defenderism, had ceased, nothing was heard of then but conspiracy, burglary, plunder, and massacre.”

The most interesting discussion in the volume is that upon Education. A committee had sat upon that subject for three years, and produced a lengthy report. On the 29th April, 1795, Mr. Grattan presented a petition of his Majesty’s

Catholic subjects of Ireland, with regard to the education of those professing the Roman Catholic religion. It is elaborately drawn, wisely framed, temperately expressed. I cannot conceive a more instructive public document, because the subject of education is as prominent now as it was then ; and what, let us inquire, were then the opinions of the Roman Catholic laity on the subject of the better education of the members of their religion and Church ?

“That as the general end of education is the full and free development of the human faculties, and the formation of a virtuous character, the management of it should be as little shackled as possible, inasmuch as experience has ascertained that, as well in the Universities of Great Britain and Ireland as of other countries, the improvement of the mind and the extension of science are great only in proportion to their exemption from any influence or restraint.

“That the Petitioners having, in common with the rest of their brethren, the Catholics of Ireland, received, as one of the most important and acceptable benefits bestowed on them by his Majesty and the Legislature, the permission of having their youth educated along with the Protestant youth of the kingdom in the University of Dublin ; and experience having fully demonstrated the wisdom and utility of that permission, Petitioners see, with deep concern, the principles of separation and exclusion, they hoped removed for ever, now likely to be re-enacted and revived.”

This was pointed at the foundation of a separate college for the education of their communion, lay or clerical. The Parliament failed in their apprehension of the conclusive reasoning put forward in this admirable petition. Mr. Grattan himself moved for a grant to establish a Roman Catholic College, and succeeded in his object.

## CHAPTER XII.

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How the Irish Parliament died—The Crown Solicitor's Office contains facts for history—Period of the Rebellion of 1798—Dr. Drennan and Archibald H. Rowan—Case of Rev. Wm. Jackson—His Trial, and suicidal Death—Arthur O'Connor and O'Coigly—Scene at O'Connor's Trial—Wolfe Tone—Object of the Conspirators—State of Ireland immediately before the Union—Report of Secret Committee—The Last Night of the Irish Parliament—Separation or Incorporation the Alternatives—Opinion of George IV., that the Irish Parliament should have secured better terms—Grattan's final Oration in the Irish House—Burrowes' Vindication of Grattan—Subsequent Career of Irish Senators—Ned Lysaght's Satire on condition to which Dublin would be reduced by the Union—Duty of Good Statesmen and True Citizens—Conclusion.

THE startling events occurring in the world at this period deprived the later proceedings of the Irish Parliament of much of their interest. We have endeavoured to trace its birth, life, and subsequent existence; and now we invite you to consider how it happened that it died. If a political writer were to ask me, where shall I go for facts—I mean real facts—on which to write the history of Ireland at this epoch,—to whom would I send him?—to what apostle of truth?—to what repertory of curious matter? I would send him to the late Crown Solicitor, Mr. Kemmis; and I will undertake to say, if he examined all the records treasured up in his official storehouse, he would find a mass of political information as instructive as was ever laid before the eyes of an inquirer after truth, and as much slumbring treason as, if ignited, would blow up fifty Parliaments and fifty Constitutions.

You must, if you would study history, open the books of the State Trials. While the gentlemen of the House of Commons were talking to each other innocently of emancipation and of reform, and such trifles, Archibald Hamilton Rowan and Dr. Drennan, the poet, from Belfast, were plotting treason. You will find that these two Protestant gentlemen were early engaged in the revolutionary schemes of those times. It is a mistake to suppose that treason and sedition were practised by one religious class exclusively. Why, some of the most determined Irish traitors have been Protestants, and those were the men who were nearest doing the business. When I say 'doing the business,' I mean separating Ireland from England, and setting up for themselves. Archibald Hamilton Rowan and Dr. Drennan, at the time of the Convention, when the Attorney-General was saying, "You ought not to come down to the House of Commons as an armed body," boldly issued their proclamation, beginning thus—"Citizens, to arms." Accordingly, they were laid hold of by the Attorney-General. Rowan was lodged in Newgate. Drennan was acquitted—honourably acquitted on a point of law. Rowan got a very high character at the time that he contrived the overthrow of the King, the Parliament, and the Constitution.

I have now to notice the only instance that I can find of a Protestant clergyman of the Church of England being a traitor, and he was one of the genuine stamp; but I am not sure he was a believer in the Christian religion. I allude to the celebrated Jackson. Jackson was sent over to this country, in 1796, from France, for the purpose of planning an invasion of this country by the French, and accomplishing the overthrow of the English Government in Ireland. Unfortunately for himself, when he got to London he fell in with an artful attorney, whose name was Cockayne. It was a great mistake to commit himself to a comparative stranger.

Jackson brought his letters to Cockayne, to address to numerous correspondents. Cockayne found his neck getting a little uncomfortable, and said, "I don't comprehend this man; he writes to persons in Germany, in France, in Ireland, and seems afraid to direct his letters in his own handwriting. I must take care." So he watched, and suspected Jackson was dabbling in treason. Now Cockayne was a man of business; so he waited on Mr. Pitt, and informed him that he had in his keeping a gentleman whom he suspected was an emissary of the French Directory, and engaged in revolutionary designs. Pitt told him to watch, and to continue the companion and fellow-traveller of Jackson, until he could be disposed of. Jackson and Cockayne came to Dublin. A hospitable Irishman invited them to dinner; a gentleman who was in the plot, but did not wish to be found out, being of the party. This gentleman was cautious in the presence of strangers. After dinner Cockayne seemed to be drowsy, retired to an arm-chair, and affected to fall asleep. But the servant was a smart Irishman; and looking closely at the man in the arm-chair, he saw Cockayne's eyes glistening through his fingers; so he touched his master, who followed him to the door—he, having heard the unpleasant fact, whispered it to his friend. The subject of conversation was instantly changed to the weather; the wary gentleman retired soon after, and Cockayne lost his prey. Jackson, of course betrayed by his attentive friend, was soon afterwards arrested, and on his person was found a most important paper upon the state of Ireland, written for the information of the Directory in France. In this remarkable document, the inhabitants were divided into three classes: the Church Protestants, who were described to be in favour of England; the Dissenters, who were said to be enlightened Republicans; the bulk of the population, the

Catholics, were stated to be in the lowest state of ignorance, and ready for any change, because no change could make them worse. The relative numbers of the different sects were wholly misstated or misunderstood ; or else the condition of things in this respect is much changed for the better. The Dissenters were stated to be more numerous than the Churchmen, whereas now the Churchmen exceed in number all these denominations of Irish Protestants. Jackson was tried, found guilty of treason, but not sentenced to be executed. His wife, on the morning that he was brought down to court to receive sentence, visited him in prison, and gave him some tea. While proceeding in a carriage, he was observed to put his head out of the window, to be ghastly pale, and very sick. Arrived in court, and in the dock, he beckoned to his counsel, Curran, to whom he whispered, "We have deceived the Senate." When required by the officer of the Court, he held up his hand, but it fell feebly in a moment. The doctor was sent for, and the Judge inquired, "Is the prisoner competent to hear the judgment of the Court?" The doctor replied, "My Lord, he is dead!" Jackson had swallowed poison in his tea : the Judge could not sentence him ; so his property was saved for his family. The Sheriff did not know what to do with the body of Jackson, and asked the distinguished Judge what he would do with it ; but the Judge did not know more than the Sheriff, and therefore said, with infinite gravity, "Mr. Sheriff, you will do as in such cases is usual."

I ought next to notice Arthur O'Connor. He was a tall, handsome, determined, and clever man. He proclaimed his daring opinions in the House of Commons, and retired. Some time afterwards, while travelling (I will not say for the benefit of his health) in England, accompanied by a resolute priest called O'Coigly, or Quoigley, he and his friend were arrested at Margate, on a charge of high treason, and sent



for trial to Maidstone. At that trial O'Connor was defended by the most eminent men at the English bar. On the trial were exhibited, in perfection, generosity of disposition and kindness of heart, and also good-nature and credulity, in Mr. Fox, Mr. Sheridan, and the Right Hon. Henry Grattan, who testified and declared, that they never conversed with a man whose constitutional principles were of such an orthodox character as those of Arthur O'Connor. Arthur O'Connor would have swept away Church, Crown, and State of England without a moment's hesitation; but his disposition was peaceable, and character excellent! He was, marvellous to tell, acquitted. I heard the late Mr. Justice Torrens, who was then a student at the Temple, and present at the trial, describe the scene which ensued. Arthur O'Connor had a numerous assembly of friends in the court-house; and they, being apprehensive he would be arrested again, made arrangements to hustle him out of court, in order that he might escape. Being an athletic, supple man, after the verdict of not guilty, he bounded over the dock; the lights were extinguished, and in the darkness and confusion there was a scuffle and conflict. The officers of the law, however, prevailed, pommelled Lord Thanet, crushed the tumult, and O'Connor was again thrust into the dock. The Judges, who had left the Bench, returned, and asked composedly what was the matter. The Sheriff said that the gentleman was from Ireland, and that he supposed it was the custom there for prisoners, when acquitted, to behave in this strange fashion. The Judges assured Mr. O'Connor he had acted improperly, and that he could not discharge himself, but must be discharged by the Court. Quigley was then tried, convicted, and sentenced to be hanged. He had few friends in England, and got no character from eminent statesmen. It is believed that he was

offered his life if he would inform upon his friends; but he refused the offer, and was executed on Penenden heath, maintaining his composure to the last.

Next you must study the memoirs of Tone, and his conversations with Carnot and Hoche, and the officials of France, in order to understand clearly what was the object of the revolutionary party in Ireland. It was not the reform of the Irish House of Commons they wanted, but the expulsion of the English, and possession of the country. Tone told Hoche: "When we get to Ireland, the aristocracy and gentry are so odious, that I am afraid we shall not be able to save them from a general massacre." Tone said he was a man of honor, but that is more than doubtful. He was the author of the paper that was found in Jackson's pocket. He was allowed, by the lenity of the Government, to emigrate to America; and because he was not put under express terms not to return, he thought it honourable to leave America, proceed to France, and organize an expedition consisting of 20,000 troops, led by Hoche, for the invasion of Ireland. Had that French army landed on our shores, Ireland might have been deluged with blood, and even for a time separated from England. Tone asserted, to Carnot, that the militia could not be depended on by the Government—that they would not fight against the French. This assertion was partially verified at Killala; for, in the battle with the French, Lord Ormonde's militia would not fight.

When you have read the trials for treason, the political tracts, and memoirs of the time, you will then be enabled to understand what the state of Ireland was during the five or six years prior to the Union. You must next take up the Report of the Secret Committee of the House of Commons, and the history of the United Irishmen, and you will perceive that the only real object in view was revolution. If, there-

fore, you find the principle of revolution asserted and maintained; if you afterwards find a rebellion in 1798, which, though unsupported by French arms, was yet fostered and matured by French policy,—it is not wonderful to come to the conclusion which I observe Mr. Wyse, in his History of the Catholic Association, has avowed, that under such circumstances the Union was inevitable.

The last night of the Irish Parliament approached under appalling circumstances. Those who opposed the Union complained fairly that the question was brought forward at an unfavourable time for discussion, because the country was torn by intestine dissensions, and had been lately distracted by civil war; and that the people of the kingdom had not a fair opportunity of giving an unbiassed judgment on the subject. Upon the other hand, it was said by Mr. Pitt, "What can I do with you? Eleven years ago you rejected my commercial propositions; afterwards you contradicted the British Parliament on the question of the Regency; you have been on the brink of revolution: it has become a necessity to attempt a new scheme of government even for your own safety." In the words of Lord Castlereagh, we were assured, that we should hereafter "have one Law, one State, and one Church." Now, I think, with deference to my gifted countrymen who opposed the Act of Union, that they did not act wisely in directing all their energies to oppose the principle of the measure. Never were men—I believe some of them, at least—animated by higher motives of honour and patriotism; and never did orators speak with more splendid ability for the maintenance, under difficult circumstances, of the ancient Constitution of their country. I often ask myself, If I had been alive then, what would I have done? I do not know how exactly to answer that question; but if I could make myself live before I was born, I think I might answer

my question by saying, that it is not unlikely that, misled by the gravity of Saurin's argument—enchanted by the eloquence of Bushe—convinced by Plunket—inflamed by Grattan, and impressed by a reverential feeling for the edifice in which I stood, and a lingering desire to preserve the ancient Parliament of Ireland—that, mistaken or misguided, I would have been found in the same lobby with the honourable member for Enniskillen.

After sixty-three years' experience we can now review, patiently and calmly, the whole question; and I think that no man, who will investigate that question impartially or fairly, can come to any other conclusion than this, that it was impossible to avoid one or other of two alternatives—separation or incorporation. I think that a great mistake was committed by those who represented us in the Irish Parliament, in directing all their energies to stop the progress of a measure that was inevitable, and in not getting better terms for the country they represented. We have proof of this opinion from the lips of a king. Mr. Curran has reported a conversation that Bushe, when Solicitor-General, had with his Majesty King George IV., at Slane Castle, on the occasion of his visit to this country. During the conversation at dinner, the King was very condescending, and said, "I think you all committed a great mistake. Instead of direct opposition, you should have made terms, as the Scotch did, and you would have got good terms." A very sensible observation from a king who was partial to the Irish; and very profitable for us to recollect, because it does not answer in great transactions of this kind to be always in a passion! A Parliament man may do the best he can to stop the progress of a measure brought forward unwisely or at the wrong period; but, at the same time, he ought to devote his talents, industry, and attention to get as much as he can for his country.

We read, with extraordinary interest, the words of the great orator, Grattan, in his concluding speech upon the Union in the Irish Parliament. Now an orator has a very wide range for his illustrations. All nature, art, history, and poetry may furnish him with analogies; but I venture to say that few persons could imagine where Grattan would find his illustration of the expiring Parliament of his country. There is not, in all Shakspeare's writings, a more exquisitely beautiful performance than that of *Romeo and Juliet*, nor did the surprising genius of the poet ever shine forth in brighter perfection, than when he wrote the imperishable poetry, in which he has enshrined that tale. You recollect, when *Romeo* descends into the tomb to search for the object of his love, he persists in believing that still she lives, and that, although prostrate in apparent death, she would be re-animated with the bloom of life. When Grattan uttered, in tones of touching eloquence, his last words against the Union, he said—"Yet, I do not give up my country. I see her in a swoon, but she is not dead. Although in her tomb she lies helpless and motionless, still there is on her lips a spirit of life, and on her cheek a glow of beauty—

‘Thou art not conquered; beauty’s ensign still  
Is crimson in thy lips, and in thy cheeks,  
And death’s pale flag is not advanced there.’”

I confess I am almost sorry that he did not conclude with that tender, expressive, and beautiful illustration; but, figurative and impassioned to the last, he finished, I must say, in the words of a patriot—"While a plank of the vessel sticks together, I will not leave her. Let the courtier present his flimsy sail, and carry the light bark of his faith with every breeze; I will remain anchored here—I will adhere with fidelity to the fortunes of my country, faithful to her freedom and faithful to her fall."

The lawyers, in the main, opposed the Union. The greatness of the Bar, as a profession, in this country, was in a measure that night extinguished. They felt it, and therefore Curran and Bushe, Saurin and Plunket, Ball and Burrowes, all spoke against the Union with indignant eloquence. The vindication of Grattan by his friend Burrowes is magnificent :—

“I feel but little, any portion of the noble lord’s\* obloquy, which may attach to me or my humble efforts; but I own I cannot repress my indignation at the audacious boldness of the calumny, which would asperse one of the most exalted characters which any nation ever produced, and that in a country which owes its liberties and its greatness to the energy of his exertions, and in the very House which has so often been the theatre of his glorious labours and splendid achievements. I remember that man being the theme of universal panegyric—the wonder and the boast of Ireland, for his genius and his virtue. His name silenced the sceptic upon the reality of genuine patriotism. To doubt the purity of his motives was a heresy which no tongue dared to utter—envy was lost in admiration, and even they whose crimes he scourged, blended extorted praises with the murmurs of resentment. He covered our then unfledged constitution with the ample wings of his talents—as the eagle covers her young; like her he soared, and like her he could behold the rays, whether of royal favour or of royal anger, with undazzled, unintimidated eye. If, according to Demosthenes, to grow with the growth, and to decay with the decline of our country, be the true criterion of a good citizen, how infinitely did this man, even in the moment of his lowest depression, surpass those upstart patriots, who only become visible when their country vanishes.

“Sir, there is something most singularly curious, and, according to my estimation of things, enviable, in the fate of

\* Castlereagh.

this great man ; his character and his consequence are, as it were, vitally interwoven with the greatness of his country—the one cannot be high, and the other low—the one cannot stand, and the other perish. This was so well understood by those who have so long meditated to put down the constitution of Ireland, that, feeling that they could not seduce, they have incessantly laboured to calumniate her most vigilant sentinel and ablest champion—they appealed to every unguarded prejudice, to every assailable weakness of a generous but credulous people—they watched every favourable moment of irritation or of terror, to pour in the detested poison of calumny. Sir, it will be found, on a retrospect of Ireland since 1782, that her liberties never received a wound, that a corresponding stab was not levelled at his character ; and when it was vainly hoped that his imperishable fame was laid in the dust, the times were deemed ripe for the extinction of our constitution. Sir, these impious labours cannot finally succeed, glory and liberty are not easily effaced—GRATTAN and the constitution will survive the storm.”

It was absurd to talk of the Parliament not being competent to agree to a Union, because, after Scotland and England had agreed to a Union, and Scotland had prospered by that Union, it was absurd to argue that the same thing could not be done between England and Ireland. But the Irish Bar naturally remembered the fame and dignity which they enjoyed here, and which in a great degree would be eclipsed by the transfer of the Parliament to another country. But it has been said, by some cavillers, that these men were not qualified to excel in a higher sphere. Let me ask what was the subsequent career of many of the members of the Irish Senate. What was the subsequent career of Lord Castlereagh, a statesman unjustly criticised ? He became afterwards Secretary of State for Foreign Affairs, and

disposed of kingdoms. He waged a gigantic war against Napoleon Bonaparte; he showed great courage, efficiency, and vigour of capacity; some of his state papers are as able and as comprehensive as any that were ever written by a statesman. What became of Plunket? In his peculiar subjects he was excelled by none in the British Parliament. What became of Ponsonby? He led the Whigs in the English Parliament, having led them in the Irish. I need not ask what became of Wellesley, who filled the world with his fame. What became of his distinguished family? All grew famous in the annals of English history; therefore the same individuals who were distinguished in their native country, were more distinguished when they were obliged to leave that country, and enter into competition with the foremost men of the age. Dublin suffered by that Union, and I am reminded that we were warned of what the fate of our city would be, in amusing verse, written by Ned Lysaght, while the Union was in progress. We had not only orators, but poets, and accordingly, the witty satirist admonished the citizens of Dublin, in rhyme, of what would be the consequence if the Union were carried. If I can remember the lines, I will recite them:—

“How justly alarm’d is each Dublin cit,  
That he’ll soon be transform’d to a clown, Sir!  
By a magical move of that conjuror, Pitt,  
The country is coming to town, Sir!  
Give Pitt, and Dundas, and Jenky a glass,  
Who’d ride on John Bull, and make Paddy an ass.

“Thro’ Capel-street soon as you’ll rurally range,  
You’ll scarce recognise it the same street;  
Choice turnips shall grow in the Royal Exchange,  
Fine cabbages down along Dame-street.  
Give Pitt, &c.



“ Wild oats in the College won’t want to be till’d,  
And hemp in the Four Courts may thrive, Sir !  
Your markets again shall with muttons be fill’d—  
By St. Patrick ! they’ll graze there alive, Sir !  
Give Pitt, &c.

“ In the Parliament House, quite alive, shall there be  
All the vermin the island e’er gathers ;  
Full of rooks, as before, Daly’s Club-house you’ll see,  
But the pigeons won’t have any feathers.  
Give Pitt, &c.

“ Our Custom House quay full of weeds, oh ! rare sport !  
But the minister’s minions, kind elves, Sir !  
Will give us free leave all our goods to export,  
When we have got none at home for ourselves, Sir !  
Give Pitt, &c.

“ Says an Alderman—‘ Corn will grow in your shops,  
This Union will work our enslavement !’  
‘ That’s true,’ says the Sheriff, ‘ for plenty of crops  
Already I’ve seen on the pavement.’  
Give Pitt, &c.

“ Ye brave loyal Yeomen, dressed gaily in red,  
This minister’s plan must elate us ;  
And well may John Bull, when he’s robbed us of bread,  
Call poor Ireland ‘ The Land of Potatoes !’  
Give Pitt, &c.”

No doubt the influence employed to carry the Union was overwhelming ; the Cornwallis Correspondence proves the fact conclusively. Perhaps the frank reply of the Irish Senator to questions innocently put to him by a constituent may exemplify the morality of the time :—“ Are you, sir, about to vote for the Union ?” “ I am.” “ What, sir, would you sell your country ?” “ Yes, sir, and very happy am I to have a country to sell.”

But, my friends, you perceive that neither eloquence nor poetry, prose nor verse, could avert that great measure which the social and political state of Ireland, the state of Europe, and of the world, made almost inevitable. And now we may fairly ask ourselves, if we have lost something, have we not gained much? Look around upon the nations of the earth. France, swept by revolution, and held down by military power; Italy, torn by civil war; America, deluged with blood; while the free and glorious monarchy of England proudly rests in security and peace upon that which is the sure foundation of strength, the affections of a free people. We have gained that with which, in a measure, we ought to be content, provided we use the opportunities which are left open to us. It is a vain thing to complain of the past. Wise men do not busy themselves about that which cannot be remedied or changed, but rather look forward to that which they can mould for their own benefit, and for the good of their country. The business of the virtuous citizen, the business of the true patriot, each in his own walk, is to perform the duty assigned to him according to the order of Providence; not to mourn for that which cannot be undone, but rather to use the power which remains in this country, and it is vast—political, moral, and social—for the purpose of securing whatever is most beneficial, whatever is most useful, whatever is best calculated to raise and elevate (I will not say to civilize) the people of this country. They possess all the virtues, all the talents, all those natural gifts which, if well used, are calculated to make this old and famous kingdom more famous in connexion with the free kingdom of England than it would be if separated from it—a victim of social confusion, intestine war, political anarchy, ending in connexion with some foreign power, which would only use its superiority to crush the liberty which it hypocritically would

profess to grant. Therefore, our duty is to be thankful to Almighty God for the great blessings we enjoy; to rejoice that we live under a sovereign whose every thought is favourable to the happiness and liberty of her people; to rejoice that we have a Constitution which establishes freedom of opinion, freedom of religious belief, freedom in the unrestricted use of the Scriptures, in the assertion of our opinions, whatever they may be; and which, at the same time, secures to us those political rights for the purpose of our using them—not abusing them; using them in combination with every good man in the kingdom, who will unite in the promotion of the welfare, prosperity, and happiness of our beloved country.\*

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\* See Appendix B.

## APPENDICES.

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### APPENDIX A (PAGE 174).

BUSHE'S WIT.—Another specimen of Bushe's wit has been given me by a friend, who preserved the story from oblivion. During the debates upon the Union, Mr. Duquerry, K.C., took a very desponding view of the prospects of the country, in the event of the Union being carried. He was a very eloquent man, and had a voice superior in sweetness even to Bushe or Blackburne. On one occasion, having made a speech of the above character, Toler stood up to reply to him, upon which Duquerry immediately quitted the House, and Toler exclaimed—"He is gone,

'Most musical, most melancholy!'"

Bushe, who replied to Toler, said, he had not done justice to himself or Duquerry, in not quoting the first line of the distich—

"Sweet bird, that shuns the voice of folly."

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### APPENDIX B (PAGE 203).

I have been reminded by Sir B. Burke, that the Mace of the Irish House of Commons is now at Antrim Castle, an honoured heir-loom. The last Speaker, Mr. Foster, a determined anti-Unionist, refused to surrender "the bauble" to any but the constituted authority, by whom it had been intrusted to his keeping; and consequently it has descended to Mr. Foster's grandson and heir, the present Viscount Massereene and Ferrard, K.P.



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